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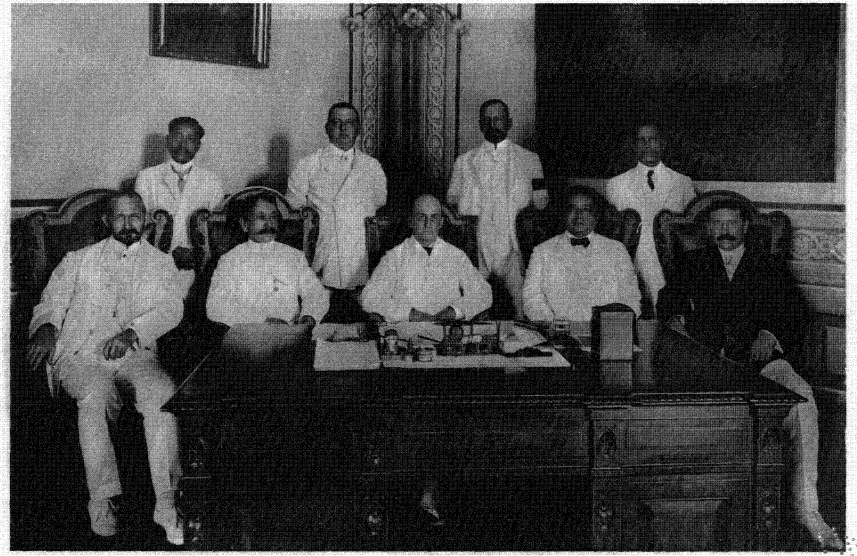
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THE PHILIPPINES





The United States Philippine Commission—1911

Dean C. Worcester to the Secretary of Public Instruction; José Luzuriaga; Agapito Gonzales; Rafael Palma; Newton W. Gilbert, Vice-Governor and Secretary of Public Instruction; Frank A. Branagan; Left to right: Secretary of Finance and Justice; Charles R. Williams, Secretary of Commerce and Police.

The United States Philippine Commission—1911

Standing, left to right. Rafael Palma; Newton W. Gilbert, Vice-Governor and Secretary of Public Instruction; Dean C. Worcester, Secretary of the Interior; Juan Sumulong. *Sitting, left to right.* Frank A. Branagan; José Luzuriaga; W. Cameron Forbes, Governor General and President of the Commission; Gregorio Araneta, Secretary of Finance and Justice; Charles B. Elliott, Secretary of Commerce and Police.

THE PHILIPPINES

To the End of the Commission Government

A STUDY IN TROPICAL DEMOCRACY

By

CHARLES BURKE ELLIOTT, Ph. D., LL. D.

Author of

THE PHILIPPINES: TO THE END OF THE MILITARY RÉGIME

Former Member United States Philippine Commission, Secretary of Commerce and Police in the Government of the Philippines, Associate Justice of the Supreme Court of the Philippines, Associate Justice of the Supreme Court of Minnesota

Portraits in Photogravure

INDIANAPOLIS
THE BOBBS-MERRILL COMPANY
PUBLISHERS

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To

WILLIAM WATTS FOLWELL

Former President of the University of Minnesota

AND

HARRY PRATT JUDSON

President of the University of Chicago

"The Song of the deed in the doing, of the
work still hot from the hand,
Of the yoke of man laid friendly-wise on
the neck of a tameless land."

"Clear the land of evil, drive the road and
bridge the ford.
Make ye sure to each his own
That he reap where he has sown;
By the peace among Our people let men know
we serve the Lord."

PREFACE

In the volume entitled *The Philippines: To the End of the Military Régime,* I endeavored to present the background of history against which the American treatment of the Philippines must be projected in order to be understood, to show the place which our Philippine policy holds in the history of colonization, and to state the principles upon which it rests and the reasons which actuated the American government in assuming the responsibility for the government of the Archipelago. The story of the American occupation was brought down to the inauguration of a civil governor on the fourth of July, 1901.

The present volume contains an account of the origin, institution and nature of the Philippine government, the manner in which it has been administered, and a summary and analysis of what has been accomplished by the Americans and Filipinos during the past sixteen years.

That a nation which maintains colonies is always on trial before the world is true in a peculiar sense of the United States because of the benevolent and altruistic motives which were declared to control her Philippine policy. The American people feel that the honor of their country is involved in the Philippine experiment, and it is of vital importance that they should know and understand what has been done in their remote dependency.

In order properly to appreciate and value that work and judge of its permanency it must be remembered that the American occupation broke the continuity of Philippine history, introduced the Filipinos to new principles and ideals of life, and different conceptions of the essential legal and political rights of individuals. It is an attempt to transplant a civilization based upon principles and methods of government which are as different from those

which had prevailed in the islands as are the plants and products of the temperate zone which agriculturists are trying to introduce into the tropics.

Some of these principles of government and ideals of life and conduct—and fortunately, those of the most fundamental nature —seem to have found congenial soil; a few, possibly, are being sustained artificially; while others, apparently, have found no nourishment. Some of the optimism of the early years has faded, but the statesmen, like the agriculturists, are still hopefully experimenting. It is beginning to be realized that not everything that grows and prospers in the West, whether plants or governments, can be successfully transplanted to the Far East; that the political system of an ancient race, the product of thousands of years of strenuous experience, can not simply be presented to a people who have had no experience in self-government.

We have changed the face of the country, and given law, order, justice, and equal rights and opportunities to the people, but they are no more Americans to-day than they were two decades ago. There should be no illusions on this score. A few individuals have been partially Americanized, but it is very doubtful whether we have materially changed the fundamental character of the Filipino people. They are still Spanish in culture and their mental processes are those of Latins, not Anglo-Saxons. We have, indeed, given them better opportunities for education and an improved environment in which to live, and many Americans assume that there are no differences in the members of the human family that can not be obliterated by education and environment. If true it is a matter of generations. The most enthusiastic believer in the essential unity of the human race can not reasonably expect characteristics which are the result of ages of race experience to be permanently changed by a few years of training in American democratic institutions. It will require more than two decades of popular government to make the Filipino like unto the children of the New England town meeting.

When, in 1898, the Filipinos formed a constitution for the republic which they proposed to establish, they went to France and South America, not to the United States, for their models. Mabini, Calderon and Paterno were the intellectual children of the Abbe Sieyes, and followers of the *a priori* school of political philosophy. They had nothing in common, intellectually or politically, with Washington, Madison, or even Jefferson. The American statesmen who devised a government for the Philippines were of the latter school. They dealt with realities, not with abstractions. Their object was to give peace, order and justice to the country and prepare the natives, *en masse,* to manage their own affairs, and for that purpose they introduced the machinery of a modern popular government. But it was tentative, experimental and developable. It was expected that new organs would be developed as new functions appeared. The ultimate end was to be reached through a process of evolution, along lines determined by those general principles which had been found essential to the rule of law and the maintenance of individual freedom, and which are, therefore, the necessary foundations of every just and effective government.

The popular idea, however, was that the Filipinos were to be promptly transmuted into Americans of the most approved type. But the men who formulated the Philippine policy sought no more than to create conditions under which all the people of the islands should have an opportunity to develop the best that was in them. Sir James Brooke, the wise Rajah of Sarawak, once said that his ambition was to make his people good Malays, not yellow Englishmen. So our ambition should be to make good and efficient Filipinos out of all the inhabitants of the islands. It is not necessary to try to make Yankees out of them. The Malay will never be an Anglo-Saxon; he may be as good a man and some day, possibly, as efficient, but he will never be the same sort of a person. We must admit that race is a fact which can

not be obliterated by sentiment, a change of government, or even of religion. What scientists call unit characters, such as skull shape, stature, eye and hair color, and nose form, are transmitted from generation to generation, in accordance with fixed mathematical laws. "They are," says Madison Grant, "to all intents and purposes immutable and do not change during the lifetime of a language or an empire." The skull shape of the Egyptian fellaheen is absolutely identical in measurement, proportions and capacities, with the skull of his ancestor who lived six thousand years ago.

The reader should also remember that the American administrators in the Philippines have worked under the serious and often embarrassing limitations and restrictions imposed by the political and ethical theories upon which the Philippine policy rests. While simple in outline and easily stated, that policy involves considerations of a very delicate and complicated nature. We have had to deal with forces which although subtle and intangible are very powerful. Education, health, material development, in fact all the external and visible work of the government has been subordinated to the purpose of creating in the Filipinos a consciousness of race unity, a sense of nationality, and capacity for self-government. The extent to which this purpose has been realized can not as yet be determined with certainty. To create in an unhomogeneous people an intelligent unit consciousness of nationality is vastly more difficult than to develop the material resources of their country.

Other colonial powers, with more material and less ambitious aims, have used much simpler methods. They have until recently ignored as much as possible the social and political aspirations and ambitions of their native subjects. Such policies are definite and understandable, but they are, in a manner, temporary. Great Britain has worked with large and simple tools, and the results are apparent. As Lord Curzon said of England's

work in India, "It is carved in granite, it is hewn out of the rock of doom. . . . It is righteous, and it shall endure." It has taken more than a century for strong men, troubled but little by altruistic theories and working with the chisel of unlimited power, to carve that magnificent record in granite. America in the Philippines has worked, not with chisel on the everlasting granite, but with the delicate instruments of the etcher—the steel point of persuasion and the acid of liberalism. The lines of a free government, based on the principles of equal rights for all, have been clearly traced, and the acid is slowly giving them distinction, definiteness and permanency. Our work, too, is righteous, and we trust that it shall endure. But two decades are but as a moment in the life of a people, and the lines on the etcher's plate are easily confused, and even obliterated, by an unskilful although honest workman.

Time is an essential element of the problem—time to erect a suitable structure on a modern foundation, to train an ignorant and inexperienced people, and to test and measure their capacities. The uncertainty which now exists as to the future of the Philippines is due to the way in which the United States has permitted itself to be hurried in its dealings with the Filipinos. The government which was established less than two decades ago was admirably adapted for its purposes. It was, until complicated by the division of legislative power, simple in design, with parts well articulated, expandable, and capable of being efficiently and economically administered. It assumed that the natives were untrained, but capable of being trained to govern themselves, and that considerable time would be necessary for that purpose. Skilfully directed agitation has so hastened events that the Philippine government is now under the immediate control of the Filipinos, and the ultimate success of our experiment in nation culture depends upon the wisdom and ability of Filipinos, instead of Americans. If they succeed, it will justify the

faith in the inherent capacity of the natives upon which our Philippine policy is based, and redound to the honor of the United States and to the credit of the men who laid the foundation upon which the present structure rests.

I believe that the assumption of control over the Philippines could not honorably have been avoided without a shrinking from responsibility which would have been unworthy of a great and self-respecting nation. Its responsibilities have been borne without reward or hope of reward, other than that which comes from the faithful performance of gratuitous service for others. The United States is a greater and nobler nation for having lifted the Filipinos out of the slough in which they were floundering and placed them well on the road toward nationality.

I have written of the American administration in a sympathetic spirit, but I have not hesitated to criticize as well as commend. Many mistakes have been made, but the work as a whole is good.

I owe much to the kindness of friends who have given me the benefit of their criticisms and suggestions without assuming responsibility for my errors of fact or judgment. Former President William H. Taft; Doctor Victor G. Heiser, until recently director of health; Frank L. Crone, for many years director of education, and J. L. Manning, insular treasurer, have each read parts of this volume in the proofs. General H. H. Bandholtz, until recently chief of the Philippine Constabulary; Doctor W. W. Folwell, and Mr. H. S. Ross, my former private secretary, each read portions of the manuscript and gave me the benefit of intelligent and expert criticism and suggestion. I am under great obligation to Brigadier-General Frank McIntyre, Colonel C. C. Walcutt, Jr., and the other officials of the Bureau of Insular Affairs, for valuable statistical data and other information. It is almost needless to say that no one other than the writer is responsible for the opinions expressed with reference to the Philippine policy, the work of individuals, or the administration of the government.

C. B. E.

Minneapolis, May 1, 1917.

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THE PHILIPPINES

THE PHILIPPINES

CHAPTER I

The New Civil Government

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The astrologers taught a mystic relation of numbers, days, dates and events. Those learned in such lore claim that the Republic was born under a lucky star. While the American may admit that the original association of the famous charter of our liberties with the fourth of July was fortuitous, he is impressed by the fact that ever since that time spectacular events in American history have shown a disposition to happen on that anniversary day.

When the time came to establish a completely organized civil government in the Philippines[1] it was hoped, as said by President Roosevelt, that the day dear to Americans might perhaps "be associated in the minds of the Filipino people with good fortune."

The Anti-Imperialist propaganda in the United States had created an impression that in suppressing the Filipino revolt and

[1] For the preceding years of American occupation, see the author's volume entitled, *The Philippines: To the End of the Military Régime* (1917).

denying the country immediate independence America was in some way violating the principles of the Declaration of Independence.[2] According to the views of the Americans who were working in the Philippines this was a complete misconception of the meaning of the Declaration, and of the purposes of their government and people. From the day when civil government was instituted until the present, the fourth of July has been celebrated in Manila exactly as elsewhere in the United States. On each recurring anniversary the Declaration has been read by American officials, civil and military, to Filipino audiences who were invited to learn the lessons taught by Jefferson, Adams and Franklin. Their resistance to Spanish oppression has been commended because it was justified by facts much more potent even than those which induced the resistance of the American colonists to parliamentary oppression. America has wished the Filipinos to learn the true lesson taught by that famous document—the lesson that all men are entitled to certain inalienable rights, among which are life, liberty and the pursuit of happiness. Under American sovereignty the Filipinos are equal before the law, secure in the opportunity to develop their lives according to their capacities and natural opportunities, and free from petty interference by state or church. It was intended that they should enjoy liberty as the word was understood by the men who wrote and adopted the Declaration of Independence and as it has been construed and applied in the United States.[3] The right of revolution was

[2] See "The Philippines and the Declaration of Independence," *The Arena,* XXVII, p. 538; "The Declaration of Independence, an Analysis by Manuel L. Quezon," in *The Filipino People,* January, 1913.

[3] "Nothing can be more misleading than a principle misapplied. Countless crimes have been committed by men quoting texts of scripture or maxims of philosophy wrested from their true content and meaning. The doctrine that government derives its just powers from the consent of the governed was applicable to the conditions for which Jefferson wrote it and to the people to whom he applied it. It is true wherever a people exists capable and willing to maintain just government, and to make free, intelligent and efficacious decisions as to who shall govern. But Jefferson did not apply it to Louisiana. He wrote to Gallatin that the people of Louisiana were as incapable of self-government as children, and he governed them without their consent. Lincoln did not apply it to the South, and the great struggle of the Civil War

never denied, but it is a right which must be maintained by force and justified by success. In that respect the rights of the Filipinos could be no greater than those of the citizens of South Carolina or Massachusetts. They asserted the right of revolution against their lawful political sovereign and failed. Upon laying down their arms and taking the oath of allegiance they were pardoned for all political offenses. There is not a sentence in the Declaration of Independence which any informed American ever hesitated to read to the Filipinos. That Declaration contains a statement of the reasons which justified the American colonists in throwing off their political allegiance to their sovereign. It recited a long list of outrages and oppressive acts in violation of their rights and of certain principles deemed to be of universal application. No intelligent American has ever denied or will deny the moral right of the Filipinos to adopt a similar course when they can truthfully allege such a list of grievances against the American government. No one ever desired to deprive them of the inalienable rights of men. Life, liberty and the pursuit of happiness were to be and have been secured to every law-abiding Filipino and protected under a form of government adapted to the local conditions and the stage of social and political development of the people.

The fourth of July was therefore the most appropriate of all days on which to launch a civil government, complete in all its parts, in the pacified provinces of the Philippines. Its inauguration was to mark the end of military rule. Since September 1, 1900, the legislative power had been vested in a civil body. Conditions now seemed to justify a further step in the progressive narrowing of military administration by the creation of the office

was a solemn assertion by the American people that there are other principles of law and liberty which limit the application of the doctrine of consent." Elihu Root, *Military and Colonial Policy of the United States,* p. 42.

"The words 'that all men are created equal,' have since been subtly falsified by adding the word 'free,' although no such expression is found in the original document, and the teachings based on these altered words in the American public schools of to-day would startle and amaze the men who formulated the Declaration." Grant, *The Passing of the Great Race,* p. xvi.

of civil governor, and the transfer to him of the executive authority.

An executive order was therefore issued by the president directing that on and after the fourth day of July, 1901, until otherwise directed, the executive authority in all civil affairs in the government of the Philippines which had been exercised by the military governor should be exercised by the president of the Philippine Commission. Mr. Taft was named as the first civil governor. The power to appoint all civil officers was transferred from the Philippine Commission to the civil governor, with the advice and consent of the commission. Although the military governor was relieved of civil duties in the pacified territory, his authority was continued in districts in which insurrection against the authority of the United States existed and in which public order was not sufficiently restored to enable provincial civil governments to be established.[4]

The continuance of military government in certain provinces was necessary for another year, but it was finally terminated by the order of President Roosevelt, issued on July 4, 1902, which recited that the insurrection was ended and that civil government had been established throughout the entire Archipelago not inhabited by Moro tribes.[5]

General Arthur MacArthur, who had been military governor since the departure of General Otis, was a distinguished soldier with a brilliant record for achievement, but he lacked some of the qualities necessary for a commander who was required to divide his authority with civil officials. His subordination to the civil power in the islands made him unhappy and, while he obeyed the orders issued by the secretary of war, it was sometimes done in a very ungracious spirit.

He seems never to have really grasped the part which the commission was designed to play in the work of pacifying the country and organizing a permanent government and the friction between

[4] Order of Secretary Root, June 21, 1910. *Report of Sec. War,* 1901 (*Five Years of the War Dept.*), p. 208.

[5] *Ibid.,* p. 257.

him and its members proved in the end very disastrous for the general.[6]

The new civil governor was inaugurated with simple but impressive ceremonies. Across the Plaza from the Ayuntamiento was the great stone foundation of the unfinished governor's palace which was to have taken the place of the one which had been destroyed by an earthquake. The funds for the completion of the structure were misappropriated and for years the foundation had stood as a mute testimonial to Spanish dishonesty and incompetence. There was a certain appropriateness in the choice of the platform from which to launch a new and better government.

The day was perfect, judged by the standard of the tropics, and a picturesque crowd representing many races, colors and creeds filled the Plaza and adjoining streets.[7] There was a reasonable amount of well modulated enthusiasm as the procession passed from the Ayuntamiento to the extemporized platform. General MacArthur introduced his successor and Chief Justice Arellano administered the oath of office. Governor Taft's address summarized what had been accomplished since the arrival of the commission and briefly outlined the policy of the immediate future. Most interesting to the Filipinos was the announcement that the membership of the commission had been enlarged and that the president had appointed Doctor T. H. Pardo de Tavera, Señor Don Benito Legarda and Señor Don José Luzuriaga, all natives of the Philippines, to fill the new positions thus created. Pardo de Tavera was a highly educated gentleman who had been a leader of the conservative, educated, wealthy Filipinos and who early recognized the folly of the revolt and sought to reconcile the people to American control. He was the presi-

[6] General MacArthur, soon after his return to the United States, succeeded to the rank of lieutenant-general in the United States Army. By that time Mr. Taft had become secretary of war. General MacArthur was directed to report at his home in Milwaukee and await orders, which never came. He was never permitted to command the army and died before Mr. Taft ceased to be president of the United States.

[7] Mrs. Moses (*Unofficial Letters of an Official's Wife*, p. 157), the wife of one of the commissioners, gives an interesting account of the ceremonies.

dent of the new Federal party and had been of great assistance to the commission in the work of organizing civil governments in the provinces. Señor Legarda was a wealthy native who, like Señor Tavera, had rendered important services to the American government. Señor Luzuriago had been a member of the independent government which was organized in the island of Negros and had consistently advocated cooperation with the Americans.

It was also announced that on the first of the following September the effectiveness of the insular government would be increased by the organization of four executive departments to be known as the Departments of the Interior, Commerce and Police, Finance and Justice, and Public Instruction, which would be under the control respectively of Commissioners Worcester, Wright, Ide and Moses.

After the ceremonies were concluded General MacArthur drove directly from the Plaza to the landing and went aboard the transport which was to carry him to the United States and out of Philippine history. He was succeeded in the military command and as military governor of the unpacified provinces by General Adna E. Chaffee, who continued to act until relieved as military governor by the order issued one year later.

The work of systematizing and developing the subordinate agencies of the central government proceeded as rapidly as conditions would permit. Numerous bureaus had been organized during the military régime and with some changes and modifications they were retained and distributed among the departments.

The taking over of the executive authority necessitated many changes in personnel and some in organization. The grants of power in the Spooner Law had been so carefully hedged about with limitations and restrictions as to render them of no practical value to the government and it remained without authority to act in some matters deemed by the commission of vital importance for the progress of the country, and the granting of franchises,

the survey and sale of the public lands, and the development of the mining interests were obliged to await the further action of Congress.

The matters over which the commission had unquestioned authority were handled with much energy. The educational work was entered upon with what many believed to be excessive enthusiasm. A general school law was passed and about a thousand American teachers were brought over from the United States and distributed among the nine hundred towns of the islands. The preservation of order was of course of the most vital importance. The local municipal police were of little value in this work and it was manifestly undesirable, unless absolutely necessary, to use the army in aid of the civil work of the administration. Brigandage, which was an inheritance from Spanish times, had been given a great impetus by the war and now existed in nearly all the provinces. The local police were unable to suppress it, even had they and the people of the municipalities really desired to do so. The distinction between ladrones and patriots was still very shadowy, and it was not always easy to distinguish between voluntary contributions to insurgent bands and involuntary payments for protection against ladrones. A semi-military police resembling that of India and some other eastern countries was necessary.

The Spaniards had maintained an organization known as the *guardia civil* which seems to have done about as much damage to the country as the ladrones.[8] As a result such organizations were unpopular in the country, but it was believed that a body of Filipinos commanded by American officers and subject to strict discipline would be able to maintain order and serve as peace officers under the direction of the civil officials. The history of the Philippine Constabulary, which was organized in 1901, has justified the policy of the government.

It was understood from the first that the prosperity of the Philippines depends upon the success of its agriculture. To the

[8] Another body called the *Guardia de Honor* was organized and used against the insurgents in 1896.

Americans who were not familiar with the tragic history of tropical agriculture it seemed a simple matter to obtain vast wealth from the fertile soil. They knew nothing of that law of compensation by which nature with its storms, droughts and highly specialized insect life, equalizes the great productive power of the rich soil.

Immediate attention was given to the organization of a Bureau of Agriculture and experts from the Agricultural Department at Washington were brought to the islands in the naïve confidence and belief that the natives were as ready and anxious to change the methods of centuries as the Americans were to render them service.

Much attention was given to the organization of a Department of Health and of bureaus charged with the work of providing better means of communication and transportation. The importance of developing and conserving the forests which covered the mountains was fully appreciated and the Bureau of Forestry was made as efficient as available means would permit.

Under the Customs Administration Bill which had been passed the previous year the American system of appraisement and collection had been adopted. In September, 1901, a new tariff law was enacted by the commission which imposed an average *ad valorem* duty of twenty-five or thirty per cent. on goods imported into the islands. The notable feature of the system was the reversal of the Spanish method and the imposition of heavy taxes on luxuries and almost nominal duties on foodstuffs and other necessities of life.[9]

The government as thus organized was simple in form and well adapted for its work. But it was regarded as a temporary structure and the commission, embarrassed by the uncertainty as to its powers, urged upon Congress the necessity for providing something more permanent.[10]

[9] For the conditions prior to September, 1901, see *Report of the Military Governor on Civil Affairs* (*Rept. War Dept.*, 1900, I, p. 79, Appendix E. E.).

[10] In its Report of October 1, 1901 (*Report of the Civil Governor*, 1900-1903, p. 272) the commission urged that Congress take some action toward providing a permanent civil government. It was recommended "That Con-

In fact, the government had ample power, had it been willing to assume full responsibilty. The real difficulty was that it rested on the war powers of the president, and war had ceased. The duty of providing a government was imposed by the Constitution upon Congress but it was not ready to act. The general Philippine policy had been thoroughly threshed out during the presidential election of 1900, and most of the members of Congress who visited the islands in search of information had returned to their duties primed with material to justify their previously formed opinions.

In the winter of 1901, Governor Taft returned to the United States in order to recuperate his health and advise with reference to necessary legislation. When he arrived in Washington, Congress was considering bills for the modification of the tariff laws and the creation of a congressional as distinguished from a military government for the Philippines. The whole question of Philippine policy was thus brought before Congress and elab-

gress be requested to confirm the legislation of the commission already enacted, and vest by Congressional enactment in the civil governor and commission and their successors to be appointed by the President the authority heretofore exercised by them under the instructions of the President, with the limitations therein contained, until January 1, 1904; and that provision be made in such legislation for a government to begin January 1, 1904, and to be composed of a governor and the heads of four executive departments, to be appointed by the President; of an Executive Council, to consist of the governor and the four heads of departments, and four others to be appointed by the President (the Executive Council to consist both of Americans and Filipinos), and of a popular assembly of not exceeding thirty representatives, to be elected from districts to be determined after a census of the Filipino population in the islands; that in such government the members of the popular assembly shall serve for a term of two years, and the popular assembly shall be limited to an annual session of three months, from the first of January to the first of April, except as this may be extended by call of the governor for a definite period in extra session; that the power of the popular assembly shall be that of a coordinate branch of the legislature, except that in the case of appropriation bills, if the popular assembly shall fail to vote the appropriations required by law during its regular session of three months the right to vote such necessary appropriations shall vest in the executive council; that the governor shall have the power to veto the legislation of the two chambers unless the same shall be again passed by a two-thirds vote of both houses; that Congress shall have full power to abrogate all legislation, and that by a joint vote of the popular assembly and the Executive Council two delegates, who shall be residents of the islands, shall be elected to represent the interests of these islands and the Filipino people before Congress and the Executive at Washington, their expenses and salaries to be paid from the insular treasury."

orately considered in all its bearings, political, economic and personal.

It was with the greatest difficulty that the passage of the revised tariff law was secured. The objections to the bill which proposed to reduce the duties on articles coming into the United States from the Philippines and thus give the Filipinos access to the American market in exchange for the Spanish market from which they were excluded, were far from creditable to the country, as they were based on the purely selfish considerations of individuals who feared that their business interests would be affected by competition with Philippine products.

Separate bills to establish a civil government, differing in some material respects, were introduced in the Senate and the House and debated throughout the winter and spring. While these bills were pending the Senate Committee on the Philippines was conducting an elaborate investigation which threw much light upon existing conditions and past events. Senator Hoar's request for a special committee with power to examine and report on the conduct of the war in the Philippines, the administration of the government there, and the conditions and character of the inhabitants was not granted, but the Senate Standing Committee on the Philippines was instructed to proceed with an investigation along somewhat similar lines.

This committee, of which Senator Henry Cabot Lodge of Massachusetts was chairman, examined Governor W. H. Taft, General E. S. Otis, General Arthur MacArthur, General R. P. Hughes and others who were supposed to possess special knowledge of conditions and to be able to speak authoritatively with reference to political and economic matters. The questions covered a wide range and showed a very general desire on the part of the members of the committee to learn the actual conditions.[11]

But the proceedings before the committees and debates in Congress simply accentuated the positions which had been taken by the Republican and Democratic parties toward the Philippine problem during the presidential campaign of 1900. The Republi-

[11] *Sen. Doc. 331, 57th Cong., 1st Sess.*, 3 vols. (1901-1902).

cans, with a few notable exceptions, supported the administration and consistently adhered to the policy of holding the islands until such time as the Filipinos are prepared for self-government, conserving while developing the natural resources of the country, and giving the people as their competency appears, a constantly increasing share in the work of the government. Republican senators and representatives differed as to the details of the system which should be adopted but with few exceptions they supported the general policy of the party leaders.[12]

The Democrats seemed to be convinced that the Republicans were insincere in their expressed desire for the well-being of the Filipinos and that the real object of the proposed civil government law was to render it easier to rob the Filipinos by transferring the natural wealth of the country to American trusts and adventurers. The leaders of the opposition pretended to believe that every one connected with the Philippine government, from President Roosevelt, Secretary Root, Governor Taft and the commissioners, to the lowest civil service clerk, was consciously engaged in a vast conspiracy to rob the Filipinos and loot the Archipelago.

It would have been wiser to continue for a few decades the simple form of commission government which Secretary Root had created. But both the Schurman and Taft Commissions had recommended the creation of a bicameral legislature with an appointive upper house and a lower house composed entirely of members elected by Filipino constituencies. This meant accentuating the political instead of the economic factors in the local situation. The Filipinos were already represented in the commission, and thus in the legislature, by appointed native members and the local governments were entirely in their hands. It would seem that the place to test their capacity for self-government was in the provinces and municipalities. The wisdom of a policy under which the natives would be placed in absolute power in one house of the legislature was seriously questioned by many sincere friends of the Filipinos. Legislative bodies in which the natives

[12] See statement of Mr. Gillett, of Massachusetts, *Cong. Rec.*, XXXV, Pt. 8, p. 7702.

were represented by elected members had been tried under conditions not greatly dissimilar in some of the British colonies with very unsatisfactory results and the judgment of disinterested students of colonial government seemed to be adverse to that form of government.[13]

As Professor Reinsch says: "It is a difficult matter to adapt representative institutions to colonies in which the white element is small, or to which the mother country is not ready to grant practical autonomy with what this implies." It was generally conceded that the time to grant such autonomy had not arrived and it was certain that the creation of a native legislative body with real power over legislation would increase the difficulties of government.

However, those who were assumed to be best informed as to the local situation in the Philippines were of the opinion that under the circumstances the probable advantages of a popular assembly would more than balance the conceded disadvantages. In his testimony before the Senate Committee Governor Taft said: "I think that a popular assembly is what the people desire, and I think it is the best possible means of educating their educated men in popular government. It will give them an opportunity to meet, to express their views, to take part in legislation, to propose and enact laws which they deem useful in the country; it will give them a part in the government and will by practice teach them what self-government is. . . . I am sure that with that (granted) the people will have confidence that our statement to them, that we desire to educate them in self-government, and give them a measure of self-government increasing it gradually as they become more fitted for it, is true."

In reply to a question by Senator Beveridge, whether the experience in Hawaii suggested very brilliant prospects for a popular assembly in the Philippines, Governor Taft said: "If you prevent the legislative assembly from choking the government,

[13] See *Annals Am. Acad. Pol. and Soc. Sci.*, 1899, *Supp.*, p. 15 *et seq.*, Reinsch, *Colonial Government*, Chap. XI; also article in *The Forum*, June 1902; Lewis, *Government of Dependencies* (Lucas' Ed.), p. 307.

from stopping things (by refusing to vote supplies), I think this will be a very useful body."

As to the time when the assembly should be established Governor Taft said: "I may be frank about it. There is a good deal of fundamental legislation yet to be passed. Here are the criminal code and an internal revenue law and a number of other things that will require a good deal of study. We are charged with *founding* a government as distinguished from *running* it; we thought if we fixed a time within which we might pass those fundamental legislative provisions, that then it would be safe, at the end of that time. But I am sure, though I have not consulted with my colleagues, that there would be no objection to making it conditional upon the establishment of peace in the islands. That might make a leverage for bringing peace."[14]

Secretary Root and many of the leading supporters of the administration doubted the advisability of creating the Philippine Assembly until the natives had shown more evidence of capacity and a stronger disposition to accept American sovereignty. They believed that the practical native control of the provincial and municipal governments and large participation in the executive work was sufficient for the time being. However, Secretary Root yielded to the arguments of Mr. Taft and consented to the insertion in the law of the provision for the assembly. The Senate struck it out of the bill which it passed, but in deference to the demands of the House of Representatives the provision for a bicameral legislature was finally adopted and the Filipinos given equal power in the lawmaking body.[15]

[14] *Sen. Doc. 331, 57th Cong., 1st Sess.*, Pt. I, pp. 333-5. See the letter of Mr. Taft to Mr. Cooper, *Cong. Rec.*, June 25, 1902.

[15] Act of Congress, July 1, 1902. In his address at the opening of the Philippine Assembly, October 11, 1907 (*Rept. Phil. Com.*, 1907, Pt. I, p. 224), Mr. Taft, then secretary of war, said:

"I can well remember when that section was drafted in the private office of Mr. Root in his house in Washington. Only he and I were present. I urged the wisdom of the concession, and he yielded to my arguments and the section as then drafted differed but little from the form it has to-day. It was embodied in a bill presented to the House, and passed by the House, was considered by the Senate, was stricken out by the Senate, and was only restored after a conference, the Senators in the conference consenting to its insertion with great reluctance. I had urged its adoption upon both commit-

The Democratic members objected not to the policy of providing a native legislative assembly but to the conditions precedent to its being established. They wished it established at once. To their suspicious minds it seemed that the calling of the election would be indefinitely postponed. Senator Patterson, for instance, was certain that the bill did not hold out the shadow of a reasonable hope of any sort of a legislative body even in the distant future. He had no expectation that there would ever be a general peace in the islands and if such a desirable condition should occur he was sure that the designing people in charge of the government would find an excuse for denying it in order to prevent the assembly from being instituted. As Senator Culbertson expressed it, they were opposed to the bill because it did not fix the political *status* of the Filipinos, and did not state the ultimate purpose of the United States government with reference to the islands, and also because under its other provisions all of the property of the people would be disposed of, mortgaged or pledged, long before the Filipinos would have any substantial share in the government.[16]

Assuming that the assembly was to be created, the conditions precedent to the calling of a general election were certainly reasonable and necessary precautionary measures. It was provided that whenever the existing insurrection had ceased and a condition of general and complete peace had been established in the islands and the fact certified to the president of the United States by the Philippine Commission, the president upon being satisfied thereof, should direct the commission to take a census which should as far as practicable show the name, age, sex, race or tribe of the inhabitants, whether native or foreign born, literate in Spanish, native dialect or language, or in English, the school attendance, ownership of homes, industrial and social statistics and such other information as the president and the commission might deem necessary.[17]

tees, and as the then governor of the islands, had to assume a responsibility as guarantor in respect to it which I have never sought to disavow."

[16] *Cong. Rec.*, XXXV, Pt. VIII, p. 7733.

[17] Act of Congress, July 1, 1902, § 6. The various proclamations and docu-

After this census had been completed and the results published, two years were to elapse in which to test the genuineness of the peace. If the conditions which had been certified continued to exist during the two years in the territory not inhabited by the Moros or other non-Christian tribes, and that fact was certified to the president by the commission, the president being satisfied thereof, was required to direct the commission to call a general election for the choice of delegates to a popular assembly of the people. The conditions precedent were (1) a condition of general and complete peace established to the satisfaction of the president by the certificate of the Philippine Commission, (2) the taking and publication of a census and (3) the lapse of two years thereafter during which the condition of general and complete peace with recognition of the authority of the United States had continued. The facts had to be found by the commission and the president; but the president was left free to act on his own judgment, on the certificate and such other information as he might obtain. It therefore rested with the president to determine when the Philippine Legislature would be established and had he and the commissioners been the designing conspirators against Filipino liberty that certain congressmen imagined them to be, the birthday of the Philippine Assembly might have been remote indeed.

The assembly was to consist of not less than fifty nor more than one hundred members to be apportioned by the commission among the provinces as nearly as practical according to population. The qualifications of electors at such election were to be the same as those which had already been provided by the law passed by the commission for electors at municipal elections. Any elector so qualified being twenty-five years of age, resident in the district, and owing allegiance to the United States, was eligible to election as a member of the assembly. It was provided that after the assembly convened and organized "all the legis-

ments, and an account of the institution of the assembly as a chamber of the Philippine Legislature are printed in the *Report of the Executive Secretary, Report Phil. Com.*, 1907, Pt. I, pp. 202-228.

lative power heretofore conferred on the Philippine Commission *in all that part of said islands not inhabited by Moros or other non-Christian tribes,* shall be vested in a legislature consisting of two houses,—the Philippine Commission, and the Philippine Assembly."

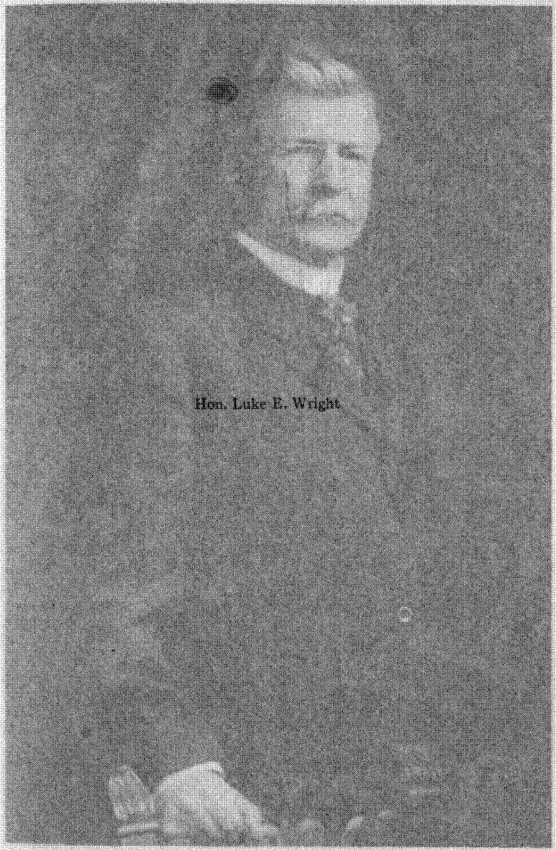
The commission thus remained the sole legislative body for that part of the Archipelago which was not inhabited by Moros and non-Christian tribes.

The usual powers of one branch of a legislative body were conferred upon the assembly. It was made the judge of the election returns and of the qualifications of its members. It could choose its speaker and other officers, but their salaries had to be fixed by law; that is, by the action of both houses of the legislature. There was no provision with reference to money bills originating in the popular branch of the legislature and although the assembly at one time claimed this right on general principles it was never conceded by the upper house.

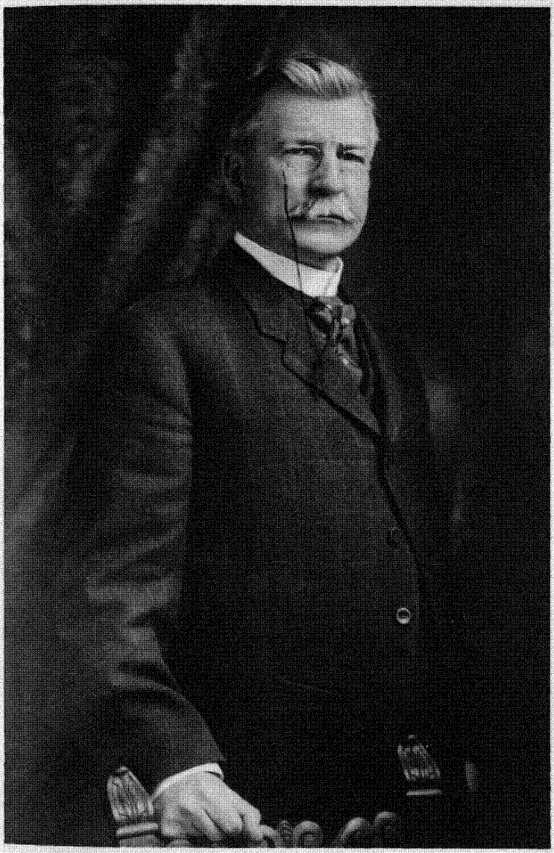
Congress did not close its eyes to the possibility that the assembly might prove troublesome and as there was no intention of giving it the power to force its will upon the upper house by refusing to make the appropriations necessary to keep the government alive, provision was made in such an event for the automatic renewal of former appropriations.[18]

The bill became a law on July 1, 1902,[19] and five years thereafter the Philippine Legislature came into existence. On September 8, 1902, the commission certified to the president that the insurrection, except in the Moro country, had ceased and that "a condition of general and complete peace has been established." Thereupon on September 25, President Roosevelt, "being satisfied of the facts therein stated," directed that the commission should take the census in accordance with the provisions of the Act of Congress. It required three years to take the census and publish the results, the last volume being published on March 27,

[18] See Chap. VI, pp. 116-120.
[19] For its provisions, see Chap. IV, *infra.*



Hon. Luke E. Wright



1905.[20] On the following day Governor-General Wright[21] issued a proclamation calling attention to the fact and to the provisions of the Act of Congress which required that the conditions of general and complete peace should continue for two years more before the election could be called.

Those two years were not in fact entirely peaceable, as certain outlaws in Cavite and Batangas and *pulijanes* in the mountains of Samar and Leyte were causing very serious disturbances. Had the commission been actuated by the desire to postpone the creation of the assembly the certification of a condition of general and complete peace might very well have been delayed. On the contrary the facts were strained a trifle in order to get the assembly organized. It was undoubtedly true that the majority of the people of the provinces in which there were still disturbances had taken no part therein and neither aided nor abetted the acts of the bandits and outlaws.

Being satisfied that the great mass and body of the Filipino people had during the period of two years continued to be law-abiding, peaceful and loyal to the United States and had continued to recognize the authority and sovereignty of the United States, the commission certified that the conditions existed which justified the calling of a general election for the choice of delegates to the assembly. On the same date the president issued an executive order which after reciting the various resolutions and certifications directed the Philippine Commission to call the election.

The Act of Congress provided that all who *were then qualified* to vote at municipal elections under the law which had been

[20] *Census of the Philippines.* Taken under the direction of the Philippine government in the year 1903, Gen. J. P. Sanger, U. S. A., director. Four volumes, Washington, 1905. These volumes are a mine of information about the islands. Volume I, devoted to geography, history and populations, is particularly valuable. Act 2352, February 28, 1914, provides for the taking of a second census, and presumably the work is progressing.

[21] The title of the chief executive was changed from civil governor to governor-general soon after Governor Taft resigned, to become secretary of war. He was succeeded by Commissioner Wright, the vice-governor, who was thus the first governor-general.

passed by the commission might vote for delegates to the assembly. But before the general election for delegates was called the commission had enacted a general election law which raised the qualifications and increased the disqualifications of voters and the result was that lower qualifications were required to vote for a delegate to the assembly than to vote for an insignificant municipal office. Felons, victims of the opium habit and persons convicted of crimes involving moral turpitude whose cases were pending on appeal, were ineligible under the general law to election to a provincial or municipal office but fully qualified to vote for or be elected as a delegate to the assembly.[22]

The election was called for July 30, 1907, and passed off without much excitement.[23] One hundred and four thousand nine hundred and sixty-six votes were cast. The creation of the assembly had given a tremendous impulse to the movement for independence. Numerous political parties were organized and factional feeling was strong. The people were taught to believe that the assembly would be potent in the cause of independence and the delegates were elected primarily upon that issue. The Federalist party which represented the wealthy and conservative element and from which the government had expected so much assistance, had been succeeded, or rather, absorbed, by the *Progresista* party, which hoped for independence at some time in the future and in the meantime was satisfied with American sovereignty. A political party which conceded its present incompetence to run a government could hardly expect to win a popular election. Its principal opponent, the *Nacionalista* party, adopted no such modest position. Its members boldly asserted their abil-

[22] *Rept. Phil. Com.*, 1907, Pt. I, p. 49.

[23] The commission, under the spell of days, in its Report (1907, Pt. I, p. 48), noted that "by a strange coincidence the day of the month fixed for holding the election was the same as that on which the first legislative body in America, the House of Burgesses, met in the year 1619." There were some disturbances in Manila, which led to the amendment of the sedition law and the forbidding of the display of the *Katipunan* flag and other *insurrecto* emblems.

A bill to repeal these laws was the first introduced into the new Philippine Legislature created under the Philippine Government Law of 1916.

ity to govern the country *now,* and demanded immediate independence. On this issue they won control of the assembly. Of the other factions the *Immediatistas* demanded independence at once but the *Urgentistas,* under the stress of apparent necessity, went them one better and demanded it quicker than immediately. The result was that a small popular majority of those who exercised the franchise voted for candidates who favored the immediate separation of the islands from the United States.[24]

The new Philippine Legislature, composed of two houses, met for the first time on October 11, 1907. The secretary of war journeyed again to the islands in order to be present at the opening session of the experimental assembly for which he had stood sponsor. It was already certain that the assembly would be the organ of the independence movement and that it would assume to speak for all the people of the Philippines. The authority of the commission was of course thereby greatly weakened. It was inevitable that the Filipinos would soon come to regard the assembly as the champion and representative of their special interests as against the commission which they assumed would look after the interests of the United States.

Secretary Taft still preserved his spirit of optimism.[25] The experiences of the five years which had passed since he had induced Congress to provide for the creation of the assembly which gave the Filipinos an equal share, theoretically, in the legislative power, had not shaken his faith in the wisdom of the policy. Probably every other American in the Philippines at that time felt that it was a mistake; that it was placing in the hands of the political class of the country an instrument which would enable it to cultivate a public sentiment in favor of independence which in time would force the hand of the United States and overthrow

[24] In the first assembly there were thirty-two *Nacionalistas,* four *Independistas,* seven *Immediatistas,* ten *Progresistas,* twenty *Independents* and one *Centro Catolico.* For accounts of the political parties, see W. H. Taft's *Political Parties in the Philippines, Annals Am. Academy of Pol. and Soc. Sci.,* XX, Sept., 1902; Millard, *America and the Eastern Question,* Chaps. XXX and XXXI, 1909.

[25] Secretary Taft's speech, October 11, 1907 (*Rept. Phil. Com.,* Pt. I, pp. 215-226).

the policy which for its success required several generations of American control.

With the institution of the Philippine Legislature in 1907, with jurisdiction over the Christian provinces, the legislative power over what remained of the Archipelago continuing in the commission, the government assumed the final form provided for by the law of July 1, 1902, which it retained until October, 1916, when a new legislature with two elective houses was instituted with full legislative power, subject to the veto of the governor-general, vested in the elected representatives of the Filipinos.

CHAPTER II

The Aftermath of War

The Proclamation of Peace—The Reconstruction Period—Conditions Unfavorable to Order—Ladronism—Natural Calamities—Threatened Famine—Death of the Carabao—Local Disturbances—Political or Criminal Motives—Premature Organization of Civil Governments—Attitude of General MacArthur—General J. F. Bell in Batangas—His Policy—Concentration Camps—Surrender of Malvar—Balangiga—The *Pulijanes*—The Presidential Election—Judge Parker's Charges—Magtaon—The Pacification of Samar—Troubles in Albay—Surrender of Ola—Cavite and Laguna—Suspension of Writ of *Habeas Corpus*—Peace and Quiet—Conditions in the Moro Country.

On July 4, 1902, one year after the inauguration of the insular civil government, President Roosevelt issued a proclamation announcing that complete peace prevailed throughout the Archipelago and granting amnesty to all who had been engaged in the insurrection. The statement of fact upon which the proclamation was based was strictly correct in the sense that war had ceased, but the country was far from being in a condition of perfect order. Nearly half a decade was to pass before the last dying embers of the insurrection were stamped out.

The physical nature of the islands, the character of the inhabitants, and the abnormal social and political conditions made the task of restoring order peculiarly difficult. The country had to go through a period of reconstruction which presented problems almost as difficult of solution as those which faced the American people after the great Civil War.

The insurrection had brought new men to the surface, many of them from obscurity and some from the ranks of the old bandits and cattle thieves with which the country had always been cursed. The remoteness and inaccessibility of the mountain regions, the guerrilla character of the last years of the war, the ancient custom of the disaffected and the criminal fleeing to the mountain fastnesses and gathering about them bands of ladrones, the popular-

ity of these leaders with the common people, the attractions of such a career for former insurgent leaders who were conscious of guilt of acts of barbarism which made it unwise to trust their persons to the care of the American officers, the lingering bitterness and antagonism of the sore and conquered people, their disposition to follow plausible self-appointed leaders, ignorance, credulity and superstition which made them the easy dupes of political and religious fakirs and silly "papas" who sold charms called *"anting-antings,"* warranted to render the wearers invisible to the Americans and impenetrable by bullets, and the sincere desire of the government to avoid as long as possible the resort to harsh measures—all combined to render it inevitable that there would be a period of unrest and many local outbreaks and disturbances.[1]

The social and political conditions were greatly aggravated by a series of unusual natural calamities which befell the country in the early years of the occupation. Cholera, famine, locusts, rice-worms, rinderpest, surra, anthrax, floods, typhoons, droughts, and almost every misfortune and pest known to the tropics descended upon the stricken war-torn land.

"Out of the clouds come torrents, from the earth,
Fire and quakings, from the shrieking air
Tempests that harry half the planet's girth,
Death's unseen seeds are scattered everywhere."

The Filipinos as a people are not much addicted to crimes of violence, but under such conditions it is not surprising that during

[1] In its Report for 1903 the commission said:

"One of the great obstacles that this government has to contend with is the presence in a large majority of the towns of the Archipelago of dissolute, drunken and lawless Americans who are willing to associate with low Filipino women and to live upon the proceeds of their labor. They are truculent and dishonest. They borrow, beg and steal from the natives. Their conduct and mode of life are not calculated to impress the natives with the advantage of American civilization. When opportunity offers, however, they are loudest in denunciation of the Filipinos as an inferior, lying race."

To get rid of this undesirable class the commission passed acts defining vagrancy and providing a punishment therefor. The definition of what constituted vagrancy was very broad and the islands were gradually relieved of this undesirable class. *Repts. of the Phil. Com.,* 1900-1903, p. 495.

the years immediately following the war there were disturbances and that the byways and remote regions witnessed many scenes of violence and bloodshed. Famine and disease drove, or at least encouraged, many to resort to evil ways. The organized bands of ladrones usually made their headquarters in the mountains and raided the lowlands, killing the people and carrying away their property. Advantage was often taken of the disturbed conditions to wreak private grudges[2] and to take bloody vengeance for old wrongs and real and fancied grievances originating during or before the war.

The situation called for active government assistance. Until there was some relief from threatened famine it would be impossible to restore order. In 1903 Congress appropriated three million dollars for the relief of distress in the Philippines and the money was used to purchase food and work animals and for the construction of roads and other public works on which the people could be given work and thus earn wages.[3]

In 1902 a group of enterprising merchants attempted to corner the short rice crop and the commission appropriated one million dollars[4] to be used to regulate prices and with it imported rice from Saigon and Calcutta, which it sold to the people at a loss of about one hundred thousand dollars. The *presidentes* of the municipalities were directed to call their people together and urge them to plant quick-growing crops, such as corn and sweet potatoes, with seed furnished them at the expense of the provinces.[5] But most of the crops which were planted with this seed withered and died during the drought and what threatened to mature was eaten by the locusts. Various measures were taken to destroy

[2] It was for a murder committed during this period that the Filipino General Noriel was convicted and executed in 1915.

[3] See *Rept. Phil. Com.*, 1904, Pt. I, Exhibit G, p. 719. This is the only direct financial aid ever extended to the Filipinos by the Congress of the United States. Mr. Freer (*Philippine Experience of an American Teacher*) tells how fifty sacks of congressional relief fund rice aided in building a schoolhouse in the town of Bula. "By means of congressional relief fund rice more than thirty schoolhouses were constructed in many different places in Camarines, most of these being too poor to build unassisted."

[4] Act No. 485. This operation was repeated in 1912 and 1915.

[5] Act No. 517, Nov. 12, 1902. Some of the municipal councils proceeded to make it a criminal offense not to accept this advice.

the locusts, and with a portion of the congressional aid fund carabaos were imported from China.[6] The energetic measures taken by the medical, health and sanitary authorities were effective and the dread diseases were brought under temporary control.

Second only in importance to existence itself, which was threatened by the cholera and famine, was the establishment of law and order. Until that was done, everything else was illusory. The insurrection in the sense of a general uprising ceased before July, 1901, but internal disturbances seriously affecting public order continued in various parts of the Archipelago until shortly before the general election for delegates to the assembly in 1907.[7] The theory of the insular administration was that the real Filipino people were not involved in these uprisings; that they were the work of outlaws and bandits who were influenced by the desire for excitement, plunder and revenge on their fellow countrymen who were friendly to the Americans. The military men generally regarded the conditions as resulting from the premature transfer of control from the army to the civil government. The irreconcilables among the natives and the opposition in the United States claimed that it was a continuation of the struggle of the Filipinos for independence.

Looking back over the records of those years with our present knowledge it seems that Governor Taft and the commission underestimated the strength of the influences which were operating to induce the disturbances. It may be correct, technically, to describe them as the work of bandits and outlaws, but the popular sympathy for the outlaws, whatever its cause, was much more general than they realized or were willing to admit. On the other hand, it was not a general insurrectionary movement against the Americans as contended by those who were seeking to discredit

[6] *Rept. Phil. Com.*, 1900-3; *Rept. Civil Governor*, Dec. 23, 1903, p. 482; *Rept. Phil. Com.*, 1904, Pt. I, p. 288.

[7] This sudden cessation of bandit activities showed the control of the political leader over the people for whose acts they refused to be held responsible.

the administration and make political capital out of the unsettled condition of the country. Mistakes, indeed, and many of them, were made, and in some instances it would have been wiser not to have delayed so long to use the regular army to suppress the outlaws.[8] Nevertheless, the principle upon which the government acted, namely, to rely upon the civil police, the constabulary and the scouts, who were all natives, so long as there was any reasonable prospect of success, was a valid one.[9] But it relied upon them too long. The commission in its desire to avoid the use of adequate force seems to have fallen just short of the policy of the ruler of the Papal States who once made a formal treaty with his brigands by which they were to give themselves up as prisoners for a year, after which they were to be pensioned.

Some of the provinces had been prematurely organized. As we have seen, General MacArthur was not in entire sympathy with the policy of the administration and after he had formally acquiesced therein a difference of opinion arose between him and the commission as to who should say when a particular province was ready to be organized.[10] He finally conceded that it should be determined by the commission and thereafter seems in all instances to have concurred, at least officially, in the decision to organize particular provinces. There had been serious doubts by all parties as to whether Batangas, Cebu and Bohol were ready

[8] Regular troops were used to good advantage against the Moros and the *pulijanes* in Leyte, but in Batangas and Cavite they accomplished little.

[9] In his report to the commission, dated Nov. 15, 1903 (*Repts. Phil. Com.*, 1900-1903, p. 491), Governor Taft said: "It is of the utmost political importance that the regular soldiery, under a command more or less independent of the civil government, should not be called in to suppress disorders and to maintain the authority of the civil government until all the forces of natives, whether Constabulary or Scouts, should be used for this purpose. Nothing could be further from the truth, nothing could be more unfounded or unfair, than the inference that the use of Scouts in association with the constabulary for the suppression of disorder is a reflection upon the military establishment or upon those who are in command thereof; but we know in our own country how loth Governors of States are to call out militia, and how loth the President is to summon the Regular Army in the suppressions of domestic disorders. In this country it is politically most important that Filipinos should suppress Filipino disturbances and arrest Filipino outlaws."

[10] *Sen. Doc. 331*, I, pp. 85, 86. Statement of Governor Taft.

for civil government, but General MacArthur and the commission finally agreed that the experiment had better be tried.[11] It proved a failure and in July, 1901, these provinces were returned to the care of the military governor.

The civil government had been severely criticized for its soft-hearted efforts to suppress the disturbers of the peace without using the military forces. The army was now criticized for excessive severity. Neither General J. Franklin Bell in Batangas nor General Jacob Smith in Samar made war with their gloves on. It was recognized that the time for gentleness had passed. The situation in Batangas was handled with great skill. While the methods adopted by General Bell were undoubtedly severe, they were strictly in conformity with the laws of war and were necessary under the circumstances. When the results obtained are compared with the actual loss of life it must be conceded that General Bell's Batangas campaign was from every point of view not only successful but merciful.

During the autumn of 1901 the insurgent General Malvar and his adherents were very active in Batangas. The military authorities, unlike Governor Taft and the commissioners, believed that practically all the natives of the province were in sympathy with Malvar and that those who professed friendship for the Americans were secretly giving aid to the insurgents. General Bell simplified matters by dividing the natives into two classes, friends and enemies. According to his simple soldier philosophy there

[11] H. C. Ide, *North American Review,* December, 1907.

General MacArthur assumed his share of responsibility for what was done. In a letter February 13, 1901, he informed Governor Taft that the commander of the Department of Southern Luzon reported but one province as ready for civil government. "I added," he wrote, "the provinces of Laguna, Batangas and Cavite, believing that the institution of civil government in all these provinces will be of assistance to the military authorities in the work of pacification." Mr. Worcester (*The Philippines,* I, p. 340), who presumably speaks from personal knowledge, says that "Similarly, in establishing civil government in Cebu and Bohol, the Commission acted on the specific recommendation of the military authorities, and rather against its own judgment. There seemed to be no good reason for refusing to try civil government, if the commanding general wanted it tried, and when it failed, as it promptly did, in Cebu, Bohol and Batangas, these provinces were immediately returned to the full control of the military and left there until conditions became satisfactory."

were to be no neutrals. Everybody was to be made to *"want peace and want it badly."* Those who were friends must come out in the open. Thereafter, according to his statement issued on December ninth, "The only acceptable and convincing evidence of the real sentiments of either individuals or town councils should be such acts *publicly* performed as must inevitably commit them irrevocably to the side of Americans by arousing the animosity of the insurgent element. . . . Those who *publicly* guide our troops to the camps of the enemy, who *publicly* identify insurgents, who accompany troops in operations against the enemy, who denounce and assist in arresting the secret enemies of the government, who *publicly* obtain and bring *reliable* and *valuable* information to commanding officers, those in fact who *publicly* array themselves against the insurgents and *for Americans,* should be trusted and given credit for loyalty, *but no others."*[12]

But the distinguishing feature of General Bell's policy was the creation of concentration camps into which all the people were required to come or take the consequences and be without food and protection. Of course, the real object of the concentration policy was to make it impossible for the insurgents to obtain food by levying contributions on people who desired to be peaceful. The word reconcentration had acquired a sinister significance to the people of the United States in connection with General Weyler's proceedings in Cuba. But such camps were strictly legal under the laws of war.[13] They are, when properly conducted, efficient and humane agencies in bringing such conditions as existed in Batangas to an end. But all depends on how they are managed and how the people in the camps are cared for. In this instance reconcentration was a humane policy. Although the people suffered the loss of their crops and other property which they had to leave behind, in the long run they were benefited. Military commanders must often be cruel in order to be kind. The mortality in the camps was low, the people were well fed, furnished with proper medical attendance, and their sufferings

[12] *Circular Order,* Dec. 9, 1901.
[13] See *Rebellion Records,* Sec. 1, XXII, Pt. II, p. 473.

were such only as were incidental to their forcible removal from their homes.[14]

After the people had been gathered into the concentration camps the plan was so to harry and harass those who were outside and keep them in such a state of anxiety and apprehension that life would become so intolerable that they would earnestly desire and become active for peace. Small detachments were to search every ravine, valley and mountain peak for insurgents and food. Everything found outside of the towns was to be destroyed and all able-bodied men killed or captured.[15] All food supplies which could not be transported were to be destroyed. In order to make life less pleasant for those leading citizens who were aiding the insurgents while professing loyalty to the Americans, subordinate commanders were authorized to put them to work on the roads.[16] What the critics of the commission called the era of coddling had come to an end in Batangas.

[14] Testimoney of General Wagner, *Sen. Doc. 331*, Pt. III, p. 2873.

A great deal was made of these camps in the United States. On May 23, 1902, Senator Bacon read in the Senate a letter from an officer which referred to "a reconcentration pen with a dead line outside, beyond which everything living is shot" and where *"at nightfall clouds of vampire bats softly swirl out on their orgys over the dead."* The writer was evidently trying to make the senatorial blood curdle. So difficult is it for one with the literary touch to refrain from the picturesque at the expense of truth.

Even Mr. Blount (*American Occupation of the Philippines*, p. 393), who is a savage critic of most things done in the Philippines, says: "There were about 100,000 people, all told, gathered in the *reconcentrado* camps in Batangas under General Bell. . . . There was no starvation in these camps. All the *reconcentrados* had to do was not to cross the deadline of the reconcentration zone, and to draw their rations, which were provided as religiously as any ordinary American, who is not a fiend and has plenty of rice on hand for the purpose, will give to the hungry. The *reconcentrado* camps and the people in them were daily looked after by medical officers of the American army."

[15] *Circular Order No. 19*, Dec. 25, 1901.

Circular Order No. 22, same date. *Sen. Doc. 331*, p. 1623. "I expect," wrote General Bell, "to first clean out the wide Looboo Peninsula. I shall then move command to the vicinity of Lake Taal, and sweep the country westward to the ocean and south of Cavite, returning through Lipa. I shall scour and clean up the Lipa Mountains. Swinging northward, the country . . . will be scoured . . . which will then be thoroughly searched and devastated. Swinging back to the right, the same treatment will be given all the country, etc."

[16] "The most serious discomfort experienced by any one within the areas was caused to the mestizo ruling group whose members bitterly resented the blow to their prestige in being treated like every one else. They had been accustomed to have others work for them and obey them blindly. To a man

The policy which had been outlined and followed by General Bell was approved by General Wheaton and by General Chaffee, the division commander. A campaign on these lines was commenced in January, 1902, and in April Malvar, with three thousand two hundred and thirty-six of his followers, surrendered.[17] Notwithstanding the severe methods adopted, the Filipino loss was only one hundred and sixty-three killed and two hundred and nine wounded. For the time Batangas was quiet.

The system of concentration camps which had been used in Batangas was also applied in a much modified form in the province of Albay in 1903. A little later the commission passed a law which authorized the bringing of the people from districts where they were subject to the attacks of the outlaws into the towns where they could be properly protected and cared for at the government expense.[18] Of course it was an arbitrary proceeding and of doubtful legality during peace. But in a locally celebrated case which arose in 1905 the Supreme Court refused to discharge one of the people who was held in a concentration camp. The province had been declared in a state of war and the writ of *habeas corpus* had been suspended by the governor-general. The finding of the Executive Department that a state of rebellion and insurrection existed was held to be conclusive upon the court.[19]

In September, 1901, a company of the Ninth U. S. Infantry was attacked by outlaws under circumstances of peculiar treachery at a place called Balangiga in Samar and almost annihilated. Only twenty-four out of sixty-six escaped after a desperate fight with the bolo men.

who could speak Spanish, and who had always been the lord of his *barrio*, the possibility of having to cultivate a field with his own hands was an unspeakable and scandalous thing. These men suffered and suffered acutely; but it was not their bodies which suffered—it was their pride." Taylor, *Phil. Insurg. Recs.*

[17] From eight thousand to ten thousand persons actively engaged in the insurrection were captured at various times and released upon taking the oath of allegiance.

[18] See *Rept. Civil Governor,* Nov. 15, 1902 (*Repts. Phil. Com.,* 1900-1903, p. 492).

[19] *Barcelon* v. *Baker,* 5 Phil. Repts. 89.

The island of Samar was a place of evil reputation. The province had not been organized under the provincial government law and the military authorities took prompt action to avenge Balangiga. General Jacob Smith was sent there with orders to put an end to the intolerable situation. General Smith, like General Bell, desired to create in the minds of the people "a burning desire for the war to cease," but he lacked General Bell's faculty for getting results while keeping within the military law. He simply issued an order directing his troops to lay waste the country and kill "everything over ten years old." No one ever attempted to justify this order. The only question was whether the primary responsibility for it rested upon General Smith or upon the division commander.[20]

Samar was reduced to temporary subjection but several years were to pass before it was finally pacified.

The ignorant mountain people of the island had always suffered at the hands of the more intelligent residents of the lowlands. Conditions in this respect seem to have been worse in Samar than in any other place. They were dependent upon their trade with the towns along the coasts and it was customary for the municipal authorities who were frequently traders, to seize those who came down with their products, throw them into jail on fictitious charges and under various pretenses confiscate their property.[21]

These people, who were known as *pulijanes,* were inherently neither better nor worse than the average of the ignorant natives.

[20] General Smith was known as a humane and efficient officer. In some way the story was started that he was known in the army as "hell-roaring Jake." I am informed by a general officer who served for many years with General Smith that the sobriquet was never heard until after the Samar campaign. It did very much to create a prejudice against him in the public mind which aided in forcing his retirement.

[21] When in 1904 Governor-General Wright and Commissioners Luzuriago and Forbes visited Samar they learned that most of the *presidentes* and councilors of the coast towns were agents for the hemp buyers and that they had been taking advantage of the ignorant hill people. They had been "in the habit of practically taking their hemp at a nominal valuation, or one much below the market price, and turning it into the export houses at the market price. In many cases it was fairly evident that when a producer protested

Their country was the home of escaped criminals and the natural hiding-place and headquarters of the *insurrecto* leaders who had turned outlaws. Being densely ignorant, they were susceptible to the influence of political impostors and religious fakirs who claimed to possess divine authority and supernatural powers. Superstitious, wronged and outraged, they became the easy dupes of designing leaders who themselves sought nothing but revenge and plunder.

During 1903 and the spring of 1904 numerous raids were made on the coast towns of Samar and as the peaceful people were unarmed it soon became a choice of joining the *pulijanes* or being harried by them. There was no adequate police protection and thousands joined the movement which soon reached serious proportions.

In July, 1904, the town of Taurian was raided and twenty-six peaceful natives were killed. The following day at Cantaguio, the *pulijanes* captured the chief of police, who had been appointed by the American authorities, made him a turban out of an American flag, saturated it with kerosene and burned him as an example to his countrymen. The burning of villages continued during the summer and by September it was estimated that fifty thousand innocent people had been rendered homeless. Many of the raiders were captured by the constabulary and turned over to the courts for trial. The local officials urged the government to call for the regular troops, but this they were loath to do for fear it would be misunderstood and misrepresented by political enemies in the United States. A presidential election was soon to take place and the Democratic candidate for president was ringing the changes on "towns in ruins and provinces in revolt." In response to an inquiry from the secretary of war, Governor-General Wright cabled that except in the one province of Samar

against this imposition he was arrested upon some trumped up charge and thus both despoiled and punished. With the sense of injustice and wrong rankling in the breasts of these ignorant people, it was an easy matter for shrewd and unscrupulous leaders, some of whom had been outlaws from Spanish times, to organize them into bands for purposes of reprisal and revenge against their oppressors." *Rept. Phil. Com.*, 1905, Pt. I, p. 50.

life and property in the Philippines was as safe as in the United States.[22]

Undoubtedly the political conditions in the United States caused the insular government to hesitate to call for the regular troops. Assistant Attorney-General Harvey, who had been sent to Samar to assist the local prosecutor, made a full report of conditions to Governor-General Wright. "While he did not say much," wrote Mr. Harvey, "what he did say convinced me that there would be something doing if it were not on the eve of election and in my opinion there will be things doing in Samar within thirty days."[23]

This conjecture proved to be well founded. Immediately after the election, Governor-General Wright and Commissioners Luzuriago and Forbes visited Samar and on their return sixteen hundred regulars and about the same number of native scouts and constabulary were sent to the island.

It required almost two years for even this force to capture or kill all the *pulijanes* and establish law and order in the island of Samar. Captain George Curry, a volunteer officer, who was appointed governor of the island, prosecuted the work of reorganizing the municipalities and opening the interior country by establishing towns and stations with such vigor that on November fifth the commission, with renewed optimism reported that "many of the *pulijanes* have voluntarily surrendered, bringing in their guns, and it now looks like the worst were over in Samar."

The provisions of the Provincial Code, designed for the civilized Filipinos, were manifestly not suitable for these ignorant people who needed a simple paternal government by which they could be controlled and protected in person and property. The Provincial Board of Samar therefore was authorized to apply

[22] *The New York Tribune*, Oct. 25, 1904.

[23] Mr. Harvey to Judge Blount, Oct. 15, 1904, *Cong. Rec.*, Feb. 25, 1908. The conditions in Samar before the arrival of the regulars were assumed to be described by a young Englishman named Hyatt, in a lurid novel called *The Little Brown Brother*. Hyatt pretended to have a grievance against Commissioner Forbes, who was then secretary of commerce and police, and attacked him very bitterly in the novel and in a book published some years

to these new towns the provision of the law relating to local governments among the non-Christian tribes.[24]

In the spring of 1906 Governor Curry arranged for the surrender of what remained of the outlaws. To the number of about three hundred, under the notorious "Pope" Otoy, they assembled at a place called Magtaon but, finding the constabulary force of fifty men with their guns unloaded, they made a sudden attack and killed about one-half and wounded all the survivors, who, however, succeeded in beating them off. Soon thereafter the outlaws were all killed or captured and since that time Samar has been quiet and peaceful.[25]

During the winter months of 1903-1904 the constabulary carried on an active campaign in Albay against one Simeon Ola and a large body of ladrones. Ola finally surrendered to Colonel H. H. Bandholtz, under circumstances which induced his friends in the United States to claim that he had been offered immunity from punishment. There never was a better illustration of the habit of certain good people of springing to the defense of any scoundrel upon whom the law has succeeded in getting its clutches, particularly when by so doing they can strike at the reputation of some officer. Ola turned state's evidence and cheerfully aided in sending many of his associates to the scaffold but never made any claim that he had been promised immunity.[26]

later, in New York, under the title of *The Diary of a Soldier of Fortune.* In this book he foolishly charged Secretary Forbes with grafting and "using his utmost endeavor to get us killed."

[24] "It is not doubted that, with this kind of government, when schools and churches are established among them and they are *made to appreciate* the benefits and blessings of decent and orderly living, they will become law-abiding and prosperous." *Rept. Phil. Com.,* 1905, Pt. I, p. 52.

One finds it difficult to read this sort of optimistic matter, which is so common in the early reports of the commission, without a feeling of irritation and wonder whether the writers really deceived themselves.

[25] Otoy was killed by Lieutenant Puño, a Filipino constabulary officer and one of the survivors of the Magtaon fight. The constabulary at Magtaon was under the command of Captain (now Colonel) R. W. Jones. The guns were unloaded at the request of Governor Curry, who desired to show confidence in the *pulijanes.*

[26] See *Rept. Phil. Com.,* 1907, Pt. I, pp. 36-42.

Judge Blount, before whom Ola was tried, says that neither he nor his counsel ever suggested that he had been promised immunity or that any paper such as is referred to in Willis' *Our Philippine People,* p. 140, existed. See also Governor Taft's statement, *Rept. Phil. Com.,* 1900-3, p. 489.

As late as 1905 there were disturbances in Cavite and Laguna, in the vicinity of Manila, which had more a political tinge. Leaders such as Sakay, Felizardo, Montalon and others, were ladrones but they had formerly been officers of the insurgent army and had the sympathy of many of their old followers. After even the guerrilla stage of the war was over these men and others like them continued to assume "the convenient cloak of patriotism and, under the titles of defenders of the country and protectors of the people, proceeded to inaugurate a reign of terror, devastation, and ruin." The disturbances became so serious that it was found necessary to suspend the writ of *habeas corpus* in Batangas and Cavite, but the situation was handled without using the regular army.

Since 1906 a condition of absolute peace and order has existed in all parts of the Archipelago other than the southern islands inhabited by the Moros.[27] In 1907, as we have seen, the commission, by resorting to what was possibly a fiction, was able to make

[27] The few ladrone leaders remaining were gradually brought in and sent to prison or executed. One of them, named Salvador, was not captured until 1911, but, in the meantime, he had been quiet. After 1907 those who were out were merely fugitives from justice and were kept busy dodging the constabulary and local police.

In addition to the military operations carried on against the ladrones the commission passed a statute designed to make it possible to convict persons charged with crimes of violence in the civil courts. It had been found practically impossible to find evidence to fix guilt upon particular persons. It was easy to show that persons captured had been members of an armed band running about the country, committing or attempting to commit robberies and murder, but to prove that individuals were present at particular robberies was impossible. The act known as the Bandolerismo Statute was passed, which provided that whenever three or more persons conspiring together should form a band of robbers for the purpose of stealing carabao or other personal property by means of force and violence and should go out upon the highway or roam through the country armed with deadly weapons for that purpose, they should be deemed highway robbers or brigands, and that every person engaged in the original formation of the band or joining it thereafter should, upon conviction, be punished by death or imprisonment for not less than twenty years. To prove the crime described in this statute it was not necessary to adduce evidence that any member of the band had in fact committed robbery or theft—it was sufficient to justify conviction thereunder if from the circumstances it could be inferred beyond a reasonable doubt that the accused was a member of such an armed band as that described. This act was very effective and for a time the courts were overwhelmed with cases. Many were convicted and punished, but the majority were ultimately pardoned. For this statute and the reasons for its enactment, see *Rept. Phil. Com.*, Dec. 23, 1903 (*Repts. Phil. Com.*, 1900-1903, p. 492).

the certificate that complete peace had existed during the preceding two years, in order to comply with the conditions precedent to the establishment of the Philippine Assembly. The struggle for order had, in fact, been long and serious. But too much importance should not be given to the disturbances which have been described. While they were serious enough, they were not continuous and except in Batangas and possibly Cavite, they were not of a political nature and were never voluntarily participated in by more than a small minority of the people. They were the final sputterings of the fire of insurrection which had swept over the islands.

During this period the conditions in the country inhabited by the Moros were bad,[28] but as no question of local self-government was involved the problem was comparatively simple. The Moro was a soldier—a fighting man—and soldiers were left to govern him. In 1903 the Moro country was organized as a special province and a *quasi* civil government was instituted with General Leonard Wood, the commander of the Military Department of Mindanao and Jolo, as governor. Important military operations had been carried on in the Lake Lanao and Cotabato regions and all organized armed resistance to the sovereignty of the United States had ceased. But there were still many marauding bands and the ambush and murder of American soldiers was frequent. The situation in Jolo was much more serious than elsewhere in the Sulu Archipelago. The authority which had been reserved to the sultan by the so-called Bates Treaty had been abused or not exercised, with unfortunate results. The sultan had been unwilling or at least unable to perform his part of the stipulations and on the recommendation of General Wood and Governor Taft the treaty was abrogated on March 21, 1904.[29]

The ineffectiveness of a conciliatory policy when dealing with

[28] See generally, statement of Governor-General Wright (*Rept. Phil. Com.*, 1904, Pt. I, pp. 5-14).

[29] The sultan visited Manila and had a conference with Governor Taft, who seems to have been satisfied that His Majesty was merely inefficient. When the treaty was abrogated the sultan was allowed an income of six thousand seven hundred and fifty dollars, gold, per year with which to maintain his dignity, with the understanding that he should thereafter assist the

the Sulu Moros had been demonstrated and for several years thereafter they were controlled by stern military power.[30]

government in every way possible. *Rept. Phil. Com.*, 1904, Pt. I, p. 13. For the reports of General Wood and his subordinates, see *Rept. Phil. Com.*, 1903, Pt. I, pp. 489-542.

In 1915 the Harrison administration negotiated a formal treaty with the sultan, who therein relinquished his claim to sovereignty over the country. (*Report Phil. Com.*, 1915, p. 297.) It ought to be added as a sort of epilogue to George Ade's comic opera, *The Sultan of Sulu.*

[30] General Wood's report as governor for 1904 contains a summary of the events in the Moro country from the American occupation down to that time. *Rept. Phil. Com.*, 1904, Pt. II, pp. 572-594, and app.

For the present form of government for the Moros, see *infra*, p. 94.

CHAPTER III

Disentangling Church and State—The Friar Lands

Church and State in Spanish Times—Misunderstanding of American Policy—Archbishop Chapelle and General Otis—Administration of Certain Trusts—The San José College Case—The Friar Lands—Their Extent and Value—Attitude of the Government—Purchase of the Lands—Controversy over Sales—The Mindora Estate Congressional Investigation—The Result—Aglipay and the National Church—Controversy over Church Property—Settled by the Courts.

The close political and business relations which during the Spanish régime existed between the civil and ecclesiastical authorities made it inevitable that the American government would have to determine some very troublesome controversies with the Roman Catholic Church. The bitter feeling against the friars, the suspicious attitude of the Filipinos, and the extreme sensitiveness of the American people, Catholic and Protestant, when the State is called on to deal with the Church, made it necessary to act with great tact and judgment. Questions which were purely legal in their nature, under the circumstances were given political significance by the public and every move of the authorities was watched with intense interest. The Filipinos and a section of the American public demanded that the American government follow the example of the Malolos Congress and confiscate the property of the monastic orders in total disregard of property rights which were protected not only by American statute law but expressly by the Treaty of Peace with Spain.[1]

The new papal delegate, Archbishop Chapelle, of New Or-

[1] Article VIII, Treaty of Paris. So distinguished a divine as Doctor Leonard Woolsey Bacon urged the government to adopt a policy which amounted to simple confiscation. See his article, entitled, "A Flaw in the Title?" in *The Outlook*, LXIII, p. 689 (1899), and the adverse editorial comment thereon, p. 668. See also Lew Wallace, Jr., "Church Property and Our Recent Acquisitions," *The Outlook*, LXIV, p. 402; James R. Rogers, "Religion in the Philippines; A Missionary's Views," *ibid.*

leans, did not make a very tactful entrance upon the scene. He allied himself openly with the Spanish religious orders, thus at once alienating native sentiment and creating disaffection among those who assumed that as an American he must represent the views of President McKinley and the insular government. Before leaving the United States Monseigneur Chapelle gave out an interview in which he supported the friars, and upon arriving at Manila he injudiciously expressed similar views without much reserve. A Manila anti-friar paper, *El Progresso,* published an alleged interview in which the delegate was made to say, among other things, that "the four public lectures given by Father McKinnon caused President McKinley to realize the necessity for the monastic orders remaining in the Philippines. I come to Manila with ample authority for everything. The friars in the Philippines have alarmed themselves without any reason. I know their importance and am openly predisposed in their favor. If the friars occupy the parishes they will be considered as elements of order, and therefore as American agents."[2]

This interview was repudiated but nevertheless it seems to have expressed the archbishop's sentiments as they are disclosed in the correspondence between him and General Otis.[3] It was, of course, reasonable that the delegate should support the friars; no one really expected him to take any other position, but the attempt to convey the impression to the Filipino public that he represented the views of President McKinley was another matter. The courtesies, some of them possibly a trifle overdone, shown the papal delegate and other ecclesiastical dignitaries by the American officials were construed as manifestations of official favor, and the fact that some of the friars who were being sent

[2] Quoted in Robinson's *The Philippines, etc.,* p. 332. In a letter from Manila dated June 12, 1900, the Associated Press correspondent said: "Archbishop Chapelle . . . believes the policy of leniency is wasted upon Asiatics who fail to comprehend the motives for it. Archbishop Chapelle has taken no uncertain stand on the question of the friars which the Filipinos regarded as the keynote of all their troubles. The Archbishop has expressed his opinion freely to many officers and civilians, although he declines to give any formal interviews for publication." *Harper's Pictoria History,* p. 381; Le Roy, *The Americans in the Philippines,* II, p. 297, *note*

[3] *Gen. Otis' Report,* 1900, p. 306.

to the distant Batanes Islands, were assured of protection from violence[4] and that a Filipino priest named Adriano Garces, who was known as an enemy of the friars, was imprisoned by the military commander at Dagupan,[5] were "generally regarded as proving a community of ideas and interests between the Americans and the friars."

All their suspicions now seemed confirmed and the native papers renewed the attacks on the friars and Americans with the greatest violence. As one of the correspondents expressed it, "they let themselves loose. That which had been whispered in corners was shouted from the housetops."

The difficulties of the political situation were greatly increased by this misunderstanding of the motives and intentions of the government. It would all have been cleared up if the public could have read the correspondence which was then being carried on between General Otis and Monseigneur Chapelle with reference to the friar lands and the disposition of certain property over which the Church assumed to have legal control. General Otis made it very plain that instead of being under the control of the friars he was a strong and consistent opponent of the policy of permitting them to return to their parishes.[6]

The question whether the Church or the government had the right to administer certain charitable and educational trusts was raised almost immediately after the military occupation.[7] Several institutions were ultimately involved, but the College of San José case attracted the most attention, as it was carried into the courts.

[4] *Sen. Doc., 1900, 56th Cong., 2nd Sess.*, p. 219. The letter which Archbishop Chapelle sent with these friars to the commander of the American troops at Aparri is printed in part in Le Roy, II, p. 301, *note*.

[5] The secretary of war cabled for information as to the imprisonment of Garces, and General MacArthur replied: "The native priest removed because not loyal. Removal requested by majority of communicants of parish. Action necessary to preserve peace." *Corr. Rel. War*, p. 1238 *et seq.*

Le Roy (II, p. 303) suggests that it was unfortunate, in view of the situation, that Garces had a long record as an anti-friar as well as anti-American agitator.

[6] *Otis' Report*, 1900, p. 293 *et seq.*

[7] In 1898 Archbishop Nozaleda (*Defensa Obligada*, appendix) called the attention of General Otis to certain *obras pias*, the funds of which were being used in the banking and loan business.

General Otis, at the request of a local medical society, issued an order forbidding the use of the property belonging to the College of San José, which, in 1875, had been incorporated into the University of Santo Tomas school of medicine and pharmacy, on the ground that it had, under the treaty with Spain, become the property of the United States and was held in trust for the benefit of the Filipino people.[8] The ultimate question in all the cases was whether the Spanish government, in its admitted right to control the property in question, had acted in its secular or civil capacity or as a mere agent of the Catholic Church under a concordat between the Pope and the Spanish Crown. The Church claimed that under the Spanish law all charitable and religious foundations were presumptively pious works, *obras pias,* and under the control of the Church. There were two kinds of *obras pias,* one under the immediate control of the ordinary or the bishop of the diocese, the other under the control of the king as the universal patron of all religious trusts. It was claimed that the popes had transferred most of their authority in the Philippines, and especially their authority as patrons of religious trusts, to the king of Spain and that all the trusts which had originally a religious foundation pertained to the Roman Catholic Church down to the end of Spanish rule in the Philippines.

In July, 1900, the rector of the University of Santo Tomas petitioned the military governor to vacate the order, which had been made by General Otis, and permit the College of San José to reopen its medical school. This was strenuously opposed by certain leading people of Manila. General MacArthur referred the matter to the commission which would soon have legislative authority to deal with the question. A full hearing before the commission[9] resulted in the enactment of a law which made spe-

[8] *Otis' Report,* 1900, pp. 296, 304. A Board of Medical Examiners was created in order to enable the students of the suspended school to be admitted to practise. *Gen. Orders, Mil. Gov. Phil.,* 1900, April 1, 1900.

[9] The commission heard the elaborate arguments evidently on the theory that it intended to decide the question involved. The leading counsel for the government, that is for the Filipinos, was Felipe G. Calderon. The argument for the Church, prepared by Archbishop Nozaleda, was read by a repre-

cial provision for the decision of the question by the Supreme Court of the Philippines, with an appeal to the Supreme Court of the United States, should Congress, on or before March 1, 1903, provide for appeals to that court.[10] The action was duly brought, argued and submitted, but before the decision was rendered the entire controversy, which had come to involve other trusts, was compromised by an agreement between Mr. Taft as secretary of war and Archbishop Harty. Under this arrangement entered into in 1907, the Church retained possession and control over the *Hospicio San José*, the Hospital of San Juan de Dios, and certain other small trusts, and the government obtained the valuable San Lazaro estate with certain deductions therefrom.[11]

sentative. It was regarded as something of an occasion, when a Filipino lawyer could meet the churchman on equal terms. "Nozaleda took a position quite openly depreciative of the Filipinos, and was evidently nettled that he should be measuring swords with the young Filipino lawyer, Calderon, who had been in the Malolos Congress, and having a sharp tongue and quite keen wit was very ready to use his opportunity to express Filipino feeling toward Spanish friars." Le Roy, II, p. 307. For the arguments, see the statement by the Philippine Commission in referring the matter to the court, printed in a pamphlet entitled, *Negotiations for the Settlement of Title to Certain Lands*, etc., Manila, 1907. *San José Case. Statement of His Excellency, The Most Reverend P. L. Chapelle, Apostolic Delegate.* Petition of Archbishop Harty to President Roosevelt, 1907. *Sen. Doc. 190, 56th Cong., 2nd Sess.*, pp. 26-46.

[10] *Act No. 69*, Jan. 5, 1901. The commission in referring the case said: "There has been much popular and political interest in the controversy in which we have now stated our conclusions. The questions considered, however, have not any political color at all. They have been purely questions of law and proper legal procedure, and so will they be in the court to which they are now sent. The decision of the right to control San José College can not legitimately be affected by the political feeling which one may have for or against the friars."

[11] The San Lazaro estate was valued at about one million five hundred thousand dollars, gold. The settlement was very favorable to the church authorities. However, there was a serious doubt as to the legal merits of the government's claim. The Supreme Court never rendered a decision, but the probability is that the decision would have been against the government. The commission in referring the case to the court expressed no opinion on the merits. Governor Taft and Commissioner Wright had no confidence in the position taken by the government and sustained by the attorney-general of the islands. Commissioners Ide, Worcester and Moses believed that the claim of the government could be sustained. However, neither Commissioner Worcester nor Commissioner Moses were lawyers and as the questions involved were very technical, the weight of authority on the commission was against the government's position. In a letter to President Roosevelt, July 2, 1907, Secretary Taft said: "The question is a most intricate and complicated one, and one upon which, although I have given it some study, I am by no

The disposition to be made of the friars and their landed estates presented much more difficult questions. The great majority of the Filipinos were Catholics and the most of them were sincerely attached to that church. In 1898, according to the church registers, there were over six million native communicants in the islands, and the history of the next decade shows that the feeling which existed against the friars did not extend to the Catholic Church or to its regular priests. These friars, about which the bitter controversy raged, were Spanish monks of the Dominican, Augustinian, Recolletos (a branch of the Augustinian) and Franciscan orders. The Jesuits, Capuchins, Benedictines and Paulist *padres* were teachers and missionaries and never having interfered with political matters, were not included in the general native condemnation.

As we have seen, there had been a long controversy over the right of the friars to act as parish priests,[12] but they had been so successful in asserting their claims that in 1898 they were in charge of all but one hundred and fifty of the seven hundred and forty-six parishes. So great was their power in civil as well as in ecclesiastical matters that the Spanish government in fact rested upon them. As the Provincial of the Augustinians said, the friars were "the pedestal and foundation of the sovereignty of Spain in the islands." This blending of ecclesiastical, political and economic powers and functions in the parish priests produced a composite which to the natives represented all that was oppressive and objectionable in their lives. They were unable to distinguish between religious and political functions when the authority of the one was always invoked to sustain the other. When the possessors of both became also oppressive landlords the people rose in revolt and drove out the men who represented the system. Before the arrival of the Americans, all but 472 of

means clear as to the result which would be reached at the end of a long litigation." The settlement included the dispute over the charter of the Spanish-Filipino Bank, the majority of the stock of which was owned by the Church or by the monastic orders. In Spanish times this bank had the exclusive right to issue notes.

[12] See C. H. Cunningham, "Origin of the Friar Land Question," *Am. Pol. Sci. Rev.*, X, p. 465.

the 1,124 friars who were in the country in 1896 had been killed or expelled from the country.

The personal and political feeling against the friars was greatly aggravated by the fact that the orders had become great land owners. The Franciscans were not permitted by their rules to own land, but the Dominicans and Augustinians and Recolletos, who were not subject to such restrictions, had acquired valuable business property in Manila and landed estates in nearly all the northern and central provinces. They were also extensively engaged in banking and general business. The Dominicans held 161,953 acres; the Augustinians, 151,742 acres, and the Recolletos 93,035 acres, in all, 406,730 acres. By provinces their lands were distributed as follows: in Cavite, 121,747 acres; La Laguna, 62,172 acres; Manila, 53,162 acres; Bulacan, 39,441 acres; Morong, 4,940 acres; Bataan, 1,000 acres; Cagayan, 49,400 acres; Cebu Island, 16,413 acres; and Mindora Island, 58,455 acres.[13]

In the older provinces large amounts of money had been spent by the orders on irrigation and other improvements and the *haciendas* were very valuable. These estates were divided into small holdings and leased to tenants for three-year terms, but it had been customary to renew the leases so that land had remained in the same families for generations and the tenants came to believe that they had vested rights therein. Most of the estates had been held by the orders for more than a generation, the most valuable for from one to two centuries. The lands in Cagayan and Mindora were undeveloped and had been granted by the Spanish government within recent years in the hope and expectation that they would be brought under cultivation. There was much said about the inability of the monastic orders to show titles to their lands and investigation by the Spanish government a century and more earlier had cast doubt on their moral rights, but the Spanish government had long acquiesced in their

[13] Surveys made after the sale to the government reduced the acreage slightly. See *Rept. on Friar Land Surveys,* July 27, 1904. *Rept. Phil. Com.,* 1904, Pt. I, Exhibit H, p. 747.

claims, and the investigations made by counsel for the government at the time of the transfers, disclosed that they had legal title to substantially all the lands which they claimed.[14]

The annual income from the agricultural lands held by the orders averaged about four hundred and fifty thousand dollars, Mexican, of which the Dominicans received almost one-half.

During the war and insurrection the orders made no attempt to collect the rents. The Malolos government promptly enacted a law confiscating all of the friar lands on general principles but it did not live long enough to make the law effective. Its action showed conclusively, however, what the friars had to expect from a Filipino government. Upon the establishment of the American government the friars expected, or at least hoped, to return to their parishes and the enjoyment of the property, and the actions of Monseigneur Chapelle suggests that there was some justification for their confidence.

[14] Secretary Root informed the House Committee that there was some question as to the validity of their title. Governor Taft said that the friar titles were good in law and protected by the Treaty of Paris. *Cong. Rec.*, XXXV, Pt. 8, p. 7446 (1902). Of course the treaty protected *titles,* not every claim of title.

For the opinions of counsel on the title of each separate estate, see *Rept. Phil. Com.,* 1904, Pt. I, Exhibit I, pp. 753-816. For the investigations of the title of the friar lands by the Spanish government during the seventeenth and eighteenth centuries, see T. H. Pardo de Tavera, *The Philippine Census,* I, p. 340; Concepcion, *Historia General de Philipinas,* VIII, p. 192; Montero y Vidal, *Historia General de Filipinas,* I, p. 385; and C. H. Cunningham's "Origin of the Friar Land Question in the Philippines" in *The American Political Science Review,* X, pp. 465-480. Mr. Cunningham says:

"The government was forced to modify its attitude because of the fear that the friars would cease their missionary and parochial labors. The government, it may be said, failed in its efforts to maintain as a principle the right to inspect periodically the land titles of the friars, though it successfully upheld the right to correct such abuses as were called to its attention through legal means. The orders were compelled to accede to the right of the civil government to intervene for the protection of the natives' lands in the latter case, and the jurisdiction of the *juez subdelegado* and of the *audiencia* was admitted on several occasions. The friars were unable to plead ecclesiastical immunity when brought before the civil tribunals to answer charges of fraud or unjust deprivations. The right of the religious orders to the occupancy of their lands seems clearly established. The various conflicts between them and the civil government served to strengthen their claims, and they were finally confirmed in the right to hold their estates without molestation as long as they did not abuse the privileges which were conferred upon them. They were not even called upon to prove their titles after 1739 except when it was in their interests to do so." See *supra,* p. 47, n. 17.

The work of investigating the friar land question was commenced immediately after the commission arrived in the Philippines. Mr. Taft, who was an experienced lawyer, devoted a great deal of his personal attention to it. But it was not a matter which could be disposed of on purely legal grounds. The friars had practically no friends among the native people and interested parties, in order to create disaffection, were active in circulating the story that the friars were to return and the old conditions be restored with the approval and support of the Americans. Few Filipinos were sufficiently educated to grasp the American idea of the separation of Church and State. To the native mind the return of the friars would have been conclusive evidence that the government was in sympathy with them and all their works. As the commission reported, it would have had "the same effect on them that the return of General Weyler under an American commission as Governor of Cuba would have had on the people of that island." Mr. Taft and his associates fully appreciated the fact that the Catholic Church had done much toward civilizing the country and that it must continue to be a factor in its future. Nor were they inclined to charge all the offenses of the monastic orders to the Church. It was not necessary to determine the merits of the long-standing controversy between the Filipinos and the friars. The disposition of the lands was, in fact, more a question of policy than of law or business. The new government was just entering upon the task of pacifying the country and leading the people along new and untried paths, and it was important and proper that the great power and influence of the Church should be on the side of advancing civilization.

The friars as individuals could not legally be expelled from or prevented from returning to the country. If they returned they would be entitled to the protection of the law. It was urged that their influence would be thrown in favor of the government, to which they would look for protection against the disaffected people. But it would have been a purely interested support of a government which had overthrown their former power

Governor Taft and Cardinal Rampolla a demand was now made upon Monseigneur Guidi for a statement of the exact interest retained by the religious orders in the lands under consideration. No formal reply was made to this request, but Governor Taft was notified informally that they had so disposed of their interest that it was impossible to state what, if any, remained.[18]

It at once became evident that the interested parties had very different ideas as to the money value of the lands. A Filipino surveyor, who had been employed by the commission, placed the value at $6,043,000 gold. The agents of the various holding companies claimed that the lands were worth something more than $13,000,000 gold. An offer of $6,043,219.07 gold, the amount of the valuation taking into consideration certain fluctuations in the value of silver, was refused, but Monseigneur Guidi informed Governor Taft that he thought an offer of $10,500,000 would be accepted. Later the agents of the English Company intimated that $8,500,000 would be accepted. The government then raised its original offer by $1,500,000. There was considerable delay while the various owners were trying to agree upon how the money should be divided. Finally, after certain small tracts which were of no particular value for agricultural purposes had been deducted, the purchase was effected for the sum of $7,239,000 gold.

It is very probable that this was more than the lands were worth at that time, and there was much criticism of the government. But the transaction was never regarded as a purely business one. As Governor Taft said at the time, the insular gov-

testified: "The real reason why we conveyed our property to another party was to have nothing further to do with the administration of these agricultural lands, and to remove that complaint which was made against us, that the friars owned all the lands, and were making all the money." It was admitted that they held stock in the corporation to which the lands were transferred. *Sen. Doc. 190,* pp. 54, 61. *Cong. Rec.,* XXXV, Pt. 8, p. 7435 (1902). The church lands had been alienated temporarily in 1834 and 1846, at the time of a quarrel between the Pope and the Spanish government. In 1851 the Spanish government guaranteed the titles of all church property. In 1890 the ecclesiastical corporations were authorized to dispose of their possessions in accord with the canon law and the laws of the Indias.

[18] Report of Governor Taft to Philippine Commission, Nov. 15, 1903. See letter of Governor Taft to Monseigneur Guidi, July 5, 1903.

ernment had "not entered upon the purchase of these lands with a view to a profitable investment but it is knowingly paying a considerable sum of money merely for the purpose of ridding the administration of the government in the islands of an issue dangerous to the peace and prosperity of the people."

As a part of the settlement it was understood that a portion of the purchase-price received by the Church should be expended for the benefit of the Church in the Philippines and that the Spanish friars would soon be withdrawn from the islands. It is to be regretted that the implied obligation to use the fund for the upbuilding of the Philippine church has not been recognized. The friars were gradually withdrawn but many returned and were absorbed and lost in a community that had become interested in other matters.

The settlement of the friar lands question was one of the last acts of Governor Taft's administration. Governor-General Wright, in his inaugural address, February 1, 1904, said that "in making this settlement, the government has been just, not to say liberal, to the religious orders, and at the same time will confer a substantial benefit upon the occupants of the land. It is believed that the spirit which dictated this transaction will be fully appreciated by those affected."

By this transaction the government acquired title to 386,120 acres of agricultural land[19] which was divided into twenty-three disconnected tracts or estates, much of which had never been brought under cultivation.

An old and bitter controversy was thus ended. It was a wise and statesmanlike transaction, probably the most effective and important act of Governor Taft's administration. With settled conditions the lands increased in value and it soon became evident that with careful management the government would in time be reimbursed from the land sales. Reasonable progress has been made in the disposition of the lands. The sales prices are determined by the original cost, which is increased each

[19] These figures are substantially correct.

year by the addition of the *pro rata* share of accumulated interest and the expense of administration. The occupied lands, all of which have been sold, were rapidly disposed of under leases and contracts, which gave the purchaser twenty years within which to pay the purchase-price. Thereafter, as the public lands could be acquired much cheaper, the sales were of course slower. On August 29, 1911, the secretary of the interior reported that 202,167½ acres had been sold under contracts, and 10,182½ acres leased on three-year terms. The total value of the land then sold and leased was $7,220,-398.45½. The contract income from sales and leases amounted to $553,522.23. On account of the unsatisfactory agricultural conditions many of the purchasers of these lands have fallen in arrears in their payments and many suits have had to be brought to collect the large amounts due. In 1911 there remained unsold, unleased and unoccupied, 173,772½ acres valued at $3,225,-613.71. To January 1, 1916, 246,722 acres had been sold, and the total receipts from sales amounted to $1,898,906.37. The sinking fund for the retirement of the bond then contained $290,105.37.

Under the authority of the Act of Congress the Philippine Commission enacted a law[20] "providing for the administration and temporary leasing and selling of certain *haciendas* and parcels of land commonly known as friar lands, for the purchase of which the government of the Philippine Islands has recently contracted." It was assumed that the friar lands were not "public lands" in the sense in which these words are used in the Public Lands Act, and that they could not be acquired or leased under the provisions of that act. However, the provision of the Public Lands Act with reference to the number of acres which could be purchased by an individual or corporation, was adopted.

These lands had been originally selected by the friars as separate estates which were to be developed as large *haciendas*. The Act of Congress providing for the disposition of the *public*

[20] Act No. 1120, April 26, 1904.

lands proceeded on the theory that they should be held by the government in trust for the people of the Philippines and disposed of in such manner as to create a body of small landholders who would be free from the exactions of landlords and free from the oppressive features which had marked the old system of large estates with numerous dependent tenants. Experience has demonstrated that the American homestead idea can not be suddenly transported and established among a people who have little desire for economic independence at the price of personal isolation. The Filipinos were a gregarious people, accustomed to live in villages, and could not at once be induced to change their habits, even by the gift of free land. Hence there was no rush for public lands and the sales were slow. The law, by limiting the amount which a person or corporation could acquire, effectually prevented speculators from securing large tracts of land; but it also prevented those who in good faith wished to develop the sugar and tobacco industries from acquiring the amount of land absolutely necessary in order to make the business profitable. The result has been to discourage capital from entering the country.

Theoretically the policy is correct, but the fear of exploitation is largely illusory and is entertained by few intelligent Americans who are familiar with actual conditions in the country. It would have been much better had Congress left the matter in the hands of the commission which was familiar with local conditions. However, the disposition of the *public* lands was a matter which could wait. They were not a burden of expense upon the government. The friar lands, which had been purchased with borrowed money which had to be repaid, presented a very different question. Unless these lands were promptly sold the annual interest and charge and ultimately the principal of the bonds would have to be paid out of the proceeds of general taxation, thus imposing a very heavy burden upon the people who received no direct benefits therefrom. The annual interest charge alone amounted to more than three hundred thousand dollars gold, and

under the method adopted for selling the lands in small tracts upon long payments the administration was necessarily expensive. It was soon found that the estates upon which there were no tenants could not within any reasonable time be sold in small tracts, but there was reason to believe that sales could be made of large tracts to people who were able to develop them and thus bring much needed capital into the country and furnish employment for native workmen. The land act was therefore amended by removing the restriction upon the amount of land which could be sold to an individual.[21]

When the opportunity arose to sell the large Mindora tract to certain Americans who contemplated developing it into a sugar estate with modern equipment the insular officials congratulated themselves on the advent of good fortune. There were no tenants on the estate, not an acre of the land had ever been cultivated or occupied, and its location was such that generations might pass before it could be sold in small tracts. Apparently the question of the right of the government to sell the land in large tracts was raised as a precautionary measure by the prospective investors. The Philippine government had proceeded on the theory that the restrictions on the sale of *public* lands did not apply to the friar lands and had passed the statute which removed the restrictions imposed by the original land act.

It did not seem that there could be any serious doubt about their legal right to do so. When the Act of July 1, 1902, was under consideration in Congress the democratic members had objected to the provision in the bill on the ground that it would permit exactly what the Philippine government now proposed to do.

The section of the act relating to the *public* or "crown lands" which had been acquired under the Treaty with Spain, which provided that the public lands should not be sold in greater quantities than forty acres to an individual and two thousand five hundred acres to a corporation, had already been adopted in the

[21] Act No. 1847, June 3, 1908.

committee. Thereafter provision was made for acquiring the friar lands and it was proposed:

"That all lands acquired under authority of Section 15 of this act shall constitute a part and portion of the public property of the government of the Philippine Islands and may be held, granted, sold and conveyed by the government of such islands on such terms and conditions as it may prescribe; *Provided:* That actual settlers and occupants at the time said lands are acquired by the government shall have the preference over all others to purchase or otherwise acquire their holdings within such reasonable time as may be determined by such government."

No material change was made in this provision and as enacted it became Section 65 of the Act of July 1, 1902.

Mr. Jones, of Virginia, who subsequently, as chairman of the Committee on Insular Affairs, became prominent in connection with legislation for the Philippines, under the impression evidently that all the lands were occupied, moved to amend this language by inserting a provision that the friar lands

"shall only be granted, sold and conveyed to actual settlers and occupants at the time said lands are acquired by the government, not exceeding forty hectares[22] to any one person, and on such terms and conditions as it may prescribe."

Had this amendment been adopted the vacant lands could not have been sold at all. "Now this section as it stands," said Mr. Jones,[23] "will enable corporations, the organization of which is provided for in this bill, to acquire these friar lands."

Mr. Cochran, of Missouri, wanted the maximum fixed at sixty hectares. It is evident that both gentlemen understood that the bill made a distinction between the public lands and the public property of which the friar lands were to constitute a part.

Mr. Goldfogle, of New York, objected to the section as it stood[24] because

"it does not provide in what quantities of land the disposition shall be made. It gives general and unlimited power to sell the

[22] A hectare is two and one-half acres.
[23] *Cong. Rec.*, June 26, 1902, XXXV, Pt. VIII, p. 7443.
[24] *Ibid.*, p. 7447.

land on any terms and conditions that may be prescribed by the government of the Philippines. . . . It is within the power of the government of the Philippines to put up the property either at public or private sale in such large tracts as to make it impossible for actual settlers and the poor inhabitants of the islands to compete for the lands with the wealthy speculators."

Mr. Lacy,[25] of Iowa, said:

"As to the *public lands* there is a provision further on in the bill limiting homesteads to sixteen hectares, or about forty acres, the idea being that in that tropical climate with that rich soil, most of the land requiring irrigation, a forty-acre homestead is ample, but when the problem of handling the four hundred thousand acres of the friar lands arose this bill, I think, has dealt wisely with the question *by leaving the whole matter of the purchase on the one hand and the disposition on the other with the Philippine Government.* . . . The question is whether we shall give the local government the power of disposition of the lands. First, they are authorized to buy and then to sell, and *the purpose of sale is to get money to pay the bonds.* . . . The best plan is to leave such matters with the local government."

Referring to Section 15, Mr. Cooper said:

"Now this is a provision to dispose of the public lands generally distinct from the friar lands."

In defending the provision which left the manner of disposing of the friar lands to the Philippine government, Mr. Crumpacker said:[26]

"No man need suffer on account of the administration of this law, and it was deemed safer and wiser to vest this discretion in the commission, who are on the ground, who may know the real conditions, than for Congress to undertake to make a law with hard and fast lines, absolutely providing for the method of disposing of these lands."

The superlatively virtuous Mr. Sulzer, of New York, felt certain, so he announced, that the real object of the law was "to turn the resources of the Philippines over to the tender mercies of the trusts and a few private looters."

[25] *Ibid.*, p. 7444.
[26] *Ibid.*, p. 7444.

However, the various amendments were defeated and the bill was passed with the understanding that the government of the Philippines should have a free hand in disposing of the lands. It should be noted that the act of the Philippine Legislature which removed the restrictions upon sales which had been imposed by the original land act of the commission, was passed without a dissenting vote, by the assembly, all the members of which were Filipinos, duly reported to Congress and not disapproved by that body. It therefore, under the Organic Act, remained effective with the approval of Congress.

When the opportunity arose to sell the distant Mindora estate, out of abundant caution the question was referred to the attorney-general of the United States, and on December 8, 1909, he rendered an opinion that the restrictions imposed by Section 15 of the Act of Congress July 1, 1902, upon the sale of the *public lands* which had been acquired under the Treaty of Paris, did not apply to the lands acquired by purchase from the friars under the authority of Sections 63, 64 and 65 of the same act. Hence the friar lands, having been purchased under the authority of an Act of Congress which delegated to the government of the Philippines full power to determine the method of sale and to provide thereby a fund for the retirement of the purchase price bonds, could be sold in any manner authorized by the Philippine Legislature.[27]

The Mindora tract was then sold to parties who, under very adverse conditions, proceeded to erect a modern sugar mill and to put the land under cultivation. This transaction was attacked with much violence by certain badly informed and ill-advised members of Congress.[28]

The tariff law of 1909 opened the United States market to Philippine sugar and encouraged the sugar growers to develop the industry. The American beet sugar interests, which saw competition in their home market, joined forces with the political party

[27] Opinion Attorney-General, U. S., Dec. 18, 1909. *Cong. Rec.*, March 25, 1910.

An opinion by Mr. Moorfield Storey to the contrary will be found in the *Cong. Rec.* for Feb. 16, 1910.

[28] The 53,000 acres were sold for $367,000, the original cost having been $298,782.07.

which seemed committed to the policy of questioning every act of the Philippine government, and a vigorous attack was made on the land policy which made it possible to develop the Philippine sugar business on a large scale. The Filipino public were excited by the cry of trust exploitation. Mr. Martin, of Colorado, in a violent partisan speech in the House of Representatives charged President Taft, Secretary Root, and practically all the men who had been connected with the government of the Philippines, with having been engaged in a gigantic conspiracy to turn the islands over to the Sugar Trust and its predatory friends. Governor-General Forbes, Secretary of the Interior Worcester, and Executive Secretary Carpenter were charged with being financially interested in certain land transactions of the government. The charges were so sweeping and general that they answered themselves. The political and business motives by which they were inspired were patent on the surface.

But on June 25, 1910, the House directed its Committee on Insular Affairs to make an investigation of the conduct of the Interior Department of the Philippine government touching the administration of the Philippine lands. Certain officials were called from Manila to Washington and a great deal of evidence was taken, much of it of a very general character. The issue other than the charges against officials, rested on the legal right of the government to sell the friar lands in large tracts. The Anti-Imperialist League was represented before the committee by counsel and the legal question and the charges against the individuals were fully investigated. The result was complete vindication of the Philippine officials. Mr. Martin failed miserably to sustain his charges. The majority of the committee sustained the right of the Philippine government to sell the friar lands in large tracts and the entire committee exonerated Mr. Forbes, Mr. Worcester and Mr. Carpenter from any intentional wrong-doing.[29]

[29] *The Friar Land Inquiry*, reports to secretary of war by Messrs. Forbes, Worcester and Carpenter (Manila, 1910).

Rajah Brooke, after passing through the fire of such an investigation, said:

"Do not disgrace your public servants by inquiries generated in the fogs

Notwithstanding the action of the committee and the complete vindication of the Philippine officials, the secretary of war directed that until Congress should take some further action the friar lands should be sold subject to the limitations of the Public Lands Act. The secretary of war had no power to change the Act of Congress, but as he had the undoubted power *to change the officials by which it was administered,* the result was the same. The Philippine Legislature, in 1914,[30] after it had passed under Filipino control, passed a law limiting the sales to sixteen hectares to an individual and 1,024 hectares to a corporation; and by the Philippine Government Law of 1916, all the unsold friar lands are placed under the control of the Philippine Legislature, with power to act with reference thereto as it may deem advisable. But acts "with reference to the public domain, timber and mining, hereafter enacted, shall not have the force of law until approved by the President of the United States." The question remains: Are the friar lands a part of the "public domains"? If not, the Philippine Legislature has full control over them; if so, it has the same power subject to the approval of the president.

It was a short-sighted policy. Under the law the annual charges, including interest, must be added to the sale price and the expenses of administration are enormously increased by sales in small tracts on long time to purchasers dependent on the year's crop for the money to meet their payments. The report for 1915 shows payments aggregating four hundred and twenty thousand dollars in default and over four thousand suits pending against delinquents.[31] This is the direct result of the ill-advised policy of limiting the sales to such small tracts. All this expense which must be added to the sales price and the lands must thus be held at prices much higher than that at which public lands of equal value can be purchased. The result of the policy will prob-

of base suspicion, for remember, a wrong done is like a wound received; the scar is ineffaceable. It may be covered with glittering decorations, but there it remains to the end." *Rajah Brooke,* by Sir Spencer St. John, p. 177.

[30] Act No. 2379, Feb. 28, 1914.

[31] *Rept. Phil. Com.,* 1914, p. 102.

ably be that the outstanding bonds will have to be paid out of the treasury instead of from the proceeds of the sales of the lands.

Any controversy which required the government to interfere between church factions was dangerous to the peace of the country, and the attempt during the early days of American rule, of Gregario Aglipay and certain Filipinos who had left the Roman Catholic Church, to establish a national church under the name of the Independent Filipino Catholic Church, for a time threatened serious consequences. Aglipay was a regularly ordained Roman Catholic priest who had come into collision with Archbishop Nozaleda during the early years of the insurrection. While with Aguinaldo at Malolos he issued, over the latter's signature, a denunciatory letter to the archbishop in which he charged that the Catholic Church had entered into close relations with the Americans for the protection of the friars.[32] This letter was effective in inducing the people to believe that the success of the Americans meant the return of the friars with the powerful support of the new government. Having broken with the Catholic Church, Aglipay became an insurgent general and was active in the Ilocos provinces, being one of the last to surrender. His experience as a priest had shown him how easy it was to influence the natives through their religious feelings and superstitions, and he skilfully utilized the conditions in building a new church which should be national in character and independent of Rome. The Filipinos are by nature and training religious, but many of them were dissatisfied with the Roman Catholic Church which had supported Spain and the hated friars. Conditions were ripe for such a movement. The idea of a national church was attractive to those who had imbibed revolutionary principles, and the native priests, who had been kept in subordination by the Spaniards, saw in the new movement an opportunity for personal advancement.

After his surrender, Aglipay and one Isabelo de Los Reyes, who had been editing an insurgent paper in Madrid, started an

[32] See *Otis' Report*, 1900, pp. 117, 118.

active propaganda among the native priests and an organization was effected with Aglipay as archbishop and fifteen Filipino priests as bishops. While there were reasons for believing that Aglipay's motives were primarily political, the government gave him and his followers the benefit of the doubt[33] and maintained an attitude of impartiality between the contestants. It announced that it would protect Aglipay and the regular Catholic priests and their respective adherents impartially in their constitutional right to worship God in their own way.

In communities where the majority of the people joined the new Church they assumed that they were entitled to the use of the church buildings which had been constructed, often on municipal lands, by the voluntary contributions and labor of the people. As a result there was some violence and disorder. In one parish the women took possession of the church building and Aglipay celebrated mass therein. When reasoned with by Governor Taft he promised that the church should be returned to the regular priest, but the women had other views, and it was only after a lively interview with the governor that they consented to deliver the keys to the chief executive. Although the protection of the Church in its property rights was certain to be used by Aglipay and his followers as further evidence of an alliance between the American government and their old enemy, there was only one course to be pursued. The government simply held that whichever party was in actual possession of a church building would be protected in its possession until the property rights were determined by the courts. As there was much excitement and constant danger of violence the commission conferred upon the Supreme Court original jurisdiction to hear and determine the question involved. In the meantime the police maintained the *status quo*.[34] The decision was against the Aglipians and with the loss of the church property interest in the movement soon died

[33] For the *quasi* religious propaganda carried on by Aglipay in the Ilocos provinces during the period of the insurrection, see *Rept. War Dept.*, 1901, Pt. VI, p. 798; Pt. VII, p. 237.

[34] *Rept. Phil. Com.*, Nov. 1, 1902; *Rept. Phil. Com.*, 1904, Pt. I, p. 19.

out. The people gradually returned to the Roman Catholic Church, leaving Aglipay and a few irreconcilables to play at running a Church and to flirt with subterranean sedition.

The transfer of the control over education from the Church to the State was effected with very little difficulty. The delicate subject was handled with tact and good judgment. The higher places in the Church passed to American Catholics who were familiar with the American school system, and those who did not sympathize with it soon recognized and bowed gracefully to the inevitable.

CHAPTER IV

Congressional Legislation for the Philippines

Delay in Assuming Control—First Legislation Confirmatory Only—The Spooner Law—The Civil Government Law of July 1, 1902—Its Nature—Bureau of Insular Affairs—Ratification of Acts of President and of the Commission—Location of Legislative Power—The Judicial Organization—Jurisdiction of the Courts—Resident Commissioners—Citizenship—Bill of Rights—Trustee for Public Property—Power Granted to Provide for Needs of Commerce—Conservation of Lands and Mineral Rights—To Acquire Friar Lands—Coinage—Bond Issues—Restrictions on Granting Franchises—Bonds for Port Works, Roads, etc.—The Navigation Laws—The Chinese Exclusion Law—The Immigration Laws—The Income Tax Law—The Tariff Acts—Acts of Congress Extended to Philippines—Entry and Clearance of Vessels—Public Health and Quarantine, Extradition.

The power and duty to govern territory acquired by and belonging to the United States is granted to and imposed by the Constitution upon Congress, and it may create such subordinate agencies for the purpose as it deems advisable. Congress was slow in assuming the duty of providing a form of government for the territory which had been acquired from Spain in the Far East. When it did act it merely authorized the continuance of the government which had been framed by Secretary Root and established under the independent constitutional authority of the executive. Shortly thereafter it again ratified what had been done by the president and the government of the Philippines and somewhat in detail defined the powers of the agency through which it willed that the country should for a time be governed. In view of the peculiar constitutional and political relations which arose out of the acquisition of this territory, it is important to know in what manner and to what extent Congress has exercised its powers of government directly and how far it has delegated them to the local government which is its agent and creature.

It will be remembered that before Congress passed any laws relating to the Philippines a fairly complete civil government had been established in the islands by the president under the authority derived not from Congress but directly from the Constitution. Theoretically the war powers of the president were suspended upon the conclusion of peace but considerations of a practical nature required that it continue operative until Congress assumed control. The insurrection dragged along under conditions which required the occasional exercise of military authority. It was at least convenient that the velvet glove should conceal an iron hand and civil government was permitted to rest on the war power until the midsummer of 1902.

Possibly the provision attached as a rider to the Army Appropriation Bill of March 2, 1901,[1] which delegated the power to govern the Philippines to the president and granted certain limited legislative powers to the commission, changed the character of the local organization from a quasi-civil agency resting on military authority to a pure civil government created or authorized by Congress in the performance of its constitutional duty to provide rules and regulations for the government of a new territory. But for another year, while Congress was considering Philippine affairs, the president continued to govern the islands.

On July 1, 1902,[2] Congress passed the law which, according to its title, was designed to provide temporarily for the administration of civil affairs in the Philippines and under which the country was governed from that time until October 16, 1916. Though commonly called the Organic Law, the Act of July 1, 1902, was not a formal constitution, although it contained the essentials of such an instrument. It was tentative and provisional, and designed to provide for existing conditions subject to such revision and amendment as in the future should be deemed desirable. It was far from being a finished definitive instrument such as was turned out by Pedro Paterno for the Schurman Commission and by Mabini and Calderon for the Philippine Republic. It

[1] The Spooner Law, 31 Stat. L., 910.
[2] Chap. 1369, 32 Stat. L., 691.

was a modest suit of governmental clothes prepared by an excellent workman for a political small boy who was expected to grow but whose future size and proportions were undeterminable.

The United States had no machinery for controlling and governing colonies and as Congress was not ready to establish a colonial department it followed the precedents established by Great Britain and other nations, and imposed the duty of administering the affairs of the external possessions upon the secretary of war as the representative of the president. Secretary Root had organized a Division of Insular Affairs and this was retained under the name of the Bureau of Insular Affairs of the War Department. In the language of the statute the "business" assigned to this bureau embraces "all matters pertaining to civil government in the island possessions of the United States, subject to the jurisdiction of the War Department."[3] The original act authorized the secretary of war to detail an officer of the army with the rank of colonel as chief of the bureau, and subsequent legislation provided for a chief with two assistants with the rank respectively of brigadier-general, colonel and major. The duties of the chief of this bureau resemble those of a permanent under-secretary of state for the colonies.

The Spooner Act did not specifically confirm the president's acts under the war power and as there were a few people who doubted the legality of many of the things that had been done,[4] Congress now specifically approved, affirmed, ratified and confirmed the action of the president in creating the United States Philippine Commission and authorizing it to exercise the powers of government in the manner and form and subject to the regulations and

[3] Section 87, Act of July 1, 1902. See statement of Brig.-Gen. McIntyre, *Hearing before Senate Committee on Philippines,* Dec. 14, 1914.

[4] During the debate in Congress on the civil government bill, Mr. Jones, of Virginia, said: "My opinion is that the President acted without legal authority, that no warrant is to be found in the Federal Constitution for the appointment by the President of a civil commission vested with full legislative authority."

Mr. Crumpacker, of Indiana, replied: "Let me suggest to the gentleman that that is why we have to have them approved and confirmed by this bill to satisfy such opinions as the gentleman from Virginia may entertain. We think they are valid." *Cong. Rec.,* June 19, 1902.

control set forth in the president's instructions of April 7, 1900; in creating the offices of civil governor and vice-governor with the powers as defined in the executive order of June 21, 1901, and in establishing the four executive departments; and by order of July 12, 1898, and amendments, authorizing the levy and collection of a tariff of duties and taxes in all ports and places in the Philippines upon their passing into the occupation and possession of the forces of the United States.[5]

The effect of the law was to continue the established government and approve the laws then on the Philippine statute books, including the old Spanish laws which had not been expressly or by implication repealed.[6]

The legislative power was left in the Philippine Commission. But provision was made for the future division of the Archipelago for governmental purposes into two sections, the lines of which were to be determined by the character and degree of civilization of the inhabitants. When certain conditions had been complied with there was to be created in one of these territorial divisions a new legislative body which should be known as the Philippine Legislature, to be composed of two houses, the Philippine Commission and the Philippine Assembly. The members of the assembly were to be elected by popular vote, which meant, of course, by the Filipinos. After this legislature was organized it should exercise the legislative power in its defined territory and the commission would continue as the sole legislative body for the remaining territory.[7]

The existing judicial organization was retained with the important provision that the chief justice and the associate justices

[5] Provided that the act should not be held to amend or repeal the Revenue Act of March 8, 1902.

[6] In United States v. Bull, *16 Phil. Repts. 7*, the Supreme Court said: "The act of July 1, 1902, made no substantial changes in the form of government the President had erected. Congress adopted the system which was in operation, and approved the action of the President in organizing the government. Substantially all the limitations which had been imposed on the legislative power by the President's instructions were included in the law, Congress thus extending to the islands by legislative act not the Constitution, but all its provisions for the protection of the rights and privileges of individuals which were appropriate under the conditions."

[7] See *infra.* Chap. VI, pp. 107-110.

of the Supreme Court should thereafter be appointed by the president with the advice and consent of the Senate, and that they should receive the compensation which *had already* been prescribed by the commission until otherwise provided by Congress.[8]

The judges of the courts of first instance were to be appointed by the civil governor with the consent of the commission, and their compensation was left to be determined by the legislative authority of the islands.

The Supreme Court and the courts of first instance were to exercise the jurisdiction which had been conferred upon them by the commission "and such additional jurisdiction as shall hereafter be prescribed by the government of said islands, subject to the power of said government to change the practise and method of procedure," *provided,* that the admiralty jurisdiction of said courts could not be changed except by Act of Congress. The municipal courts were to exercise the jurisdiction which had been conferred upon them by the commission, "subject in all matters to such alterations and amendments as may be hereafter enacted by law." The Supreme Court of the United States was authorized to review, revise, reverse, modify, or affirm the final judgments and decrees of the Supreme Court of the Philippines in all cases and proceedings in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved and in cases in which the value in controversy exceeds twenty-five thousand dollars or in which the title or possession of real estate exceeding in value the sum of twenty-five thousand dollars is involved, or brought in question. The procedure was to be the same as far as applicable as that provided for reviewing the judgments and decrees of the circuit courts of the United States.[9] No change was made in the jurisdiction of the Supreme Court by the Philippine Government Law of 1916.

[8] The Act of March 6, 1905, authorized the government of the Philippines to fix the compensation of the members of the Supreme Court provided that the pay of the chief justice should not exceed $10,500.00 per annum and of each associate justice $10,000 per annum. By the Act of August 29, 1916, the salary of the chief justice was reduced to $7,500, and that of the associate justice to $7,000.

[9] Sections 9 and 10, Act of July 1, 1902.

After the Philippine Legislature had been organized it was directed to elect two resident commissioners to the United States who "shall be entitled to an official recognition as such by all departments upon presentation to the president of a certificate of election by the civil governor of said islands." The salaries of these commissioners, payable by the United States, were fixed at five thousand dollars per annum and two thousand dollars additional for expenses, but this was subsequently increased and is now the same as that of a member of Congress.

All inhabitants of the islands who were Spanish subjects on April 11, 1899, and who had not, as authorized by the Treaty of Paris, elected to preserve their allegiance to the crown of Spain, and their children born subsequent thereto, were declared to be citizens of the Philippine Islands and as such entitled to the protection of the United States.[10]

The provisions of President McKinley's Instructions,[11] which constituted a bill of rights and restrictions for the Filipinos, were somewhat extended. For the protection of individuals from oppressive acts of the government, it was provided that:

(a) No law shall be passed which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein the equal protection of the laws.

(b) In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

(c) No person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

(d) All persons shall before conviction be bailable by sufficient sureties, except for capital offenses.

(e) No person shall be imprisoned for debt.

[10] The Act of Congress of March 23, 1912, authorized the Philippine Legislature to provide for Philippine citizenship in certain cases. 37 Stat. L. 77. See *infra*, p. 348.

[11] See Elliott, *The Philippines: To the End of the Military Régime*, p. 503.

(f) The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion, insurrection, or invasion, the public safety may require it, in either of which events the same may be suspended by the president, or by the governor, with the approval of the Philippine Commission,[12] wherever during such period the necessity for such suspension shall exist.

(g) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

(h) The right to be secure against unreasonable searches and seizures shall not be violated.

(i) Neither slavery, nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted, shall exist in said islands.

(j) No law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

(k) No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed.

(l) No warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

(m) No person in the islands shall under the authority of the United States be convicted of treason by any tribunal, civil or military, unless on the testimony of two witnesses to the same overt act or on confession in open court.[13]

Legislative and executive action was restricted by the following general provisions:

(a) No money shall be paid out of the treasury except in pursuance of an appropriation by law.

(b) No law impairing the obligation of contracts shall be enacted.

(c) The rule of taxation in the islands shall be uniform.

(d) No private or local bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill.

(e) All money collected on any tax levied or assessed for a

[12] The present statute confers this power upon the governor-general alone.

[13] 32 Stat. L. 55 (Act March 8, 1902). This provision is not in the original bill of rights.

special purpose shall be treated as a special fund in the treasury and paid out for such purpose only.

(f) No law granting a title of nobility shall be enacted and no person holding any office of profit or trust in said islands, shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign state.

(g) No *ex post facto* law, or bill of attainder, shall be enacted.

All the property and rights which the United States had acquired in the Philippine Islands by virtue of the treaty with Spain, except such land or other property as should be designated for military and other government reservations, were "placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, except as provided in this act." The government of the Philippines thus became a *quasi* trustee of the public domain and other public property *which had been acquired from Spain.*

Specific authority was given the insular government to provide for the needs of commerce by improving harbors and navigable waters and constructing lighthouses, piers and other such structures, including bonded warehouses. Great care was taken to provide for the conservation of the public lands, forests, and mineral resources of the country. Their sale was in fact so carefully hedged about by restrictions that the development of the country has been seriously retarded. In order to develop a class of small landowners the sales of public lands were limited to forty acres to one person and twenty-five hundred acres to a corporation. The insular government was authorized to provide by law for the disposition of the public lands subject to the restrictions of the Act of Congress and the approval of its rules and regulations by the president, who was required to submit the same to Congress for its approval or disapproval.[14] Special provision was made for the protection of actual occupants and settlers. The sale of the timber lands was carefully guarded.

All public lands valuable for minerals were reserved from sale

[14] Section 13, Act July 1, 1902. See *House Doc. 422, 64th Cong. 1st Sess.*

except as specifically directed by law. Mineral deposits in the public lands were declared open to exploration, occupation and purchase by citizens of the United States or of the Philippines. The Act of Congress contained detailed provisions for the locating and marking of mineral claims. The holder of a claim was declared entitled to all minerals which might lie within the vertical boundary-lines of his claim. Under a mistaken restrictive policy no person was allowed to hold, directly or indirectly, more than one mineral claim on the same vein or lode.[15]

After granting power to the government of the Philippines to acquire title to real and personal property for public uses by the exercise of the right of eminent domain, specific authority was given to exercise such power in reference to any lands which on August 13, 1898, were owned or held by religious orders, communities or associations in such large tracts or parcels and in such manner as in the opinion of the commission injuriously to affect the peace and welfare of the people of the Philippines, and to issue bonds, on terms and conditions carefully prescribed, for the purpose of paying therefor.[16]

The Philippine government was authorized to establish a mint and coin money and in 1903 Congress provided that the unit of value in the Philippine Islands should be the gold peso, consisting of twelve and nine-tenths grains of gold, nine-tenths fine, and authorized the coinage of seventy-five million silver pesos in addition to the minor coins which had been previously authorized.[17]

The power to issue bonds was carefully guarded by Congress. The Philippine government was authorized when current taxation was inadequate for the purpose, under such limitations, terms

[15] Sections 20-62, Act July 1, 1902. The provisions with reference to public lands and various mineral claims were detailed in the Act of Congress, and very little discretion was left to the government of the Philippines. Each annual report of the commission recommended changes in the line of a more liberal policy, but the law remained unchanged until 1916, when somewhat enlarged power was granted to the local legislature, subject to the approval of the president.

[16] This authority was given in order to enable the insular government to acquire the so-called friar lands. See Chap. III.

[17] Chap. 980, 32 Stat. L., 952 (March 2, 1903). For subsequent legislation relating to the currency and coinage, see Act of June 23, 1906, Stat. L., 453, and Chapter VII, *infra*.

and conditions as might be prescribed by legislation, approved by the president, to permit municipalities to incur indebtedness, borrow money, and issue and sell bonds for the purpose of providing funds for necessary sewer and drainage facilities, to secure a sufficient supply of water, and provide necessary buildings for primary public schools. But the entire indebtedness of any municipality should not exceed five per cent. of the valuation of the real estate in the municipality and any obligations in excess thereof were declared to be null and void. For the purpose of providing funds to construct sewers and provide a water supply, the government might, with the approval of the president of the United States, permit the city of Manila to incur indebtedness and to issue bonds to an amount not exceeding four million dollars gold.

The Philippine government was also authorized to grant franchises, privileges and concessions for the construction and operation of works of public utility and service and to adopt rules and regulations under which the provincial and municipal governments may authorize the use and occupation of their streets, highways, squares, reservations and other similar property. But no franchise, privilege or concession could be granted to any corporation except under the condition that it be subject to amendment, alteration, or repeal by Congress and that lands or rights of use and occupation of lands thus granted should revert to the government by which they were respectively granted upon the termination of the franchise and concession. All such concessions should forbid the issuance of stock or bonds except in exchange for actual cash or for property for a fair valuation equal to the stock or bonds so issued; forbid the declaring of stock or bond dividends and in the case of public service corporations, provide for the effective regulation of the charges thereof, for official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable gross earnings tax to the government.[18] All these matters which were regulated in

[18] To the same effect, Act Aug. 29, 1916.

detail by Congress show the extreme care exercised for the protection of the public.

The Cooper Law of February 6, 1905, empowered the Philippine government, with the approval of the president of the United States, to issue bonds to provide funds for the construction of port and harbor works, bridges, roads, buildings for provincial and municipal schools, court-houses, penal institutions and other public improvements. It was also authorized under certain conditions and subject to carefully devised safeguards and limitations, to guarantee the payment of the interest on bonds to a designated amount issued by private corporations for the construction of railroads in the Philippines.[19]

After a good deal of hesitation and legislative fumbling it was decided that it would be bad policy to extend the United States navigation laws which confined the coastwise traffic to American vessels, to the Philippines. As early as 1902 Congress provided that after July 1, 1904, foreign vessels should be prohibited from carrying passengers and merchandise between the ports of the United States and the ports of the Archipelago, but as there were not sufficient American vessels to handle the business, the time when the law should go into effect was postponed from time to time and it was finally repealed.[20] Hence, foreign vessels may transport merchandise and passengers between the ports of the United States and the Philippines and between the various ports of the Philippines. Until Congress shall have authorized the registry as vessels of the United States of the vessels owned in the Philippines the Philippine government may adopt and enforce regulations governing the transportation of passengers and merchandise between the ports of the Archipelago. The same

[19] Section 66, Act of July 1, 1902, as amended by Sec. 2, Act February 6, 1905. Chap. 453, 33 Stat. L., 689. The statute now simply authorizes the government to issue bonds subject to the restrictions as to the total amount. Sec. 11, Act Aug. 29, 1916. See Chap. XIX, *infra.*

[20] See the Acts of March 8, 1902; March 15, 1904, and April 20, 1906, repealed by Act of March 26, 1908. The secretary of war and the Philippine Commission from the first opposed the policy of bringing the Philippine Islands within the scope of the coastwise navigation laws. *Rept. Phil. Com. 1907,* Pt. III, p. 83.

tonnage fees are collected on all foreign vessels coming from the Philippines to the United States as on vessels coming from foreign countries,[21] but the Philippine government imposes no tonnage tax on vessels arriving in its ports from any foreign country.

In 1902 Congress extended the Chinese exclusion laws to the island territory under the jurisdiction of Congress and directed the Philippine Commission to make the necessary regulations to render the law effective.[22] The immigration laws of the United States were put into effect in the islands by executive order and the Act of Congress of March 3, 1903, regulating the immigration of aliens into the United States, defined the United States as meaning "the United States and any water, territory or other place now subject to the jurisdiction thereof."[23] The Act of February 20, 1907, provided that it should be construed to mean the United States and any water, territory, or property subject to the jurisdiction thereof, except the canal zone. In the Pure Food Law of June 30, 1906, the word territory is made to include the insular possessions.

The Federal Income Tax Statute is in force in the Philippines, although the proceeds of the tax go into the insular treasury.[24]

The tariff relations between the United States and its insular possessions are determined by Congress. Prior to 1909 the then tariff law of the United States was enforced against articles coming from the Philippines to the continental ports of the United States. The Payne Law of 1909 provided for free trade with the islands under certain restrictions, which were removed by the Underwood Law of 1913.[25] The tariff laws enacted by the Philippine government under its delegated authority, imposing duties on articles imported into the islands from countries other than the

[21] Chap. 152, 57 Stat. L., 70. (Act April 29, 1908.)

[22] Chap. 641, 32 Stat. L., 176. (Act of April 22, 1902.) The exclusion laws were already in force there under military orders.

[23] The Appropriation Bill of March 12, 1904, contained a provision that the immigration laws of the United States in force in the Philippines should continue to be administered by the officers of the Philippine government.

[24] Act of Oct. 3, 1913.

[25] See Chapter VII, *infra*.

United States, have all been passed by Congress also and thus made United States laws. The Philippine Government Law of 1916 authorizes the Philippine government to enact tariff laws applicable to all countries but the United States, subject to the approval of the president.

The laws of Congress are not effective in the Philippines unless expressly made so by Congress.

The Act of July 1, 1902, declared that the section of the *Revised Statutes of the United States*[26] *which extends the laws of the United States to the territories shall not apply to the Philippines,* and then specifically extends certain enumerated statutes over the islands. Thus it provides that the laws relating to entry, clearance and manifests of steamships and other vessels arriving from or going to foreign ports shall apply to voyages each way between the Philippine Islands and the United States and its possessions; that the provisions of Chapters 6 and 7, Title 48, *Revised Statutes,* so far as in force, and amendments thereof, shall apply to vessels making voyages either way between ports of the United States or its possessions and ports of the islands; that the provisions of the law relating to public health and quarantine shall apply in the case of all vessels entering a port of the United States or its possessions, from the islands; that the customs officers at the port of departure in the Philippines shall perform the duties required by law of consular officers in foreign ports; that the laws relating to the transit of merchandise through the United States shall apply to merchandise arriving at any port of the United States destined for any of its insular and continental possessions or destined from any of them to foreign countries; that the laws relating to seamen on foreign voyages shall apply to seamen on voyages going from the United States and its possessions to the islands, the customs officers there being substituted for consular officers in foreign ports.

For the application of the statute conferring authority on officers the Philippines are deemed a territory of the United States.[27]

[26] Sec. 1891. *Rev. Stat. U. S., 1878.*

[27] *Revised Statutes, U. S.,* Secs. 5278, 5279, pp. 1022, 1023.

The extradition laws of the United States, so far as applicable, have been extended to the Philippines,[28] and the Act of February 6, 1905, makes certain provisions of the *Revised Statutes of the United States* applicable when the government of the Philippines seeks for the arrest and removal of any fugitive from justice charged with the commission within the jurisdiction of any foreign government of any of the crimes provided for by treaty between the United States and such government. The order and warrant for the delivery of a person committed for extradition must be signed by the governor-general of the Philippines and not by the secretary of state.

The foregoing brief summary will give the reader a fair idea of the manner in which Congress has performed its duty of providing a government for the distant territory under its control. Before considering the administration of the commission government and the radical changes in the form of the government which were made by the Philippine Government Law of 1916, it is necessary to describe the local governments in the provinces and municipalities where the Filipinos have largely governed themselves under the supervision of American officials.

[28] Acts of Feb. 8, 1903, and Feb. 9, 1905, *U. S. Comp. Stats.* (1916), Vol. 10, secs. 10124-10126.

CHAPTER V

The Provinces and Municipalities

Isolated Conditions—Local Self-government—Gradual Extension of Native Control—Division of Country—The Provinces—Present Organization—The Provincial Officers—The Governor and His Duties—The Secretary, Treasurer and Fiscal—The Provincial Board, Its Duties and Powers—The Municipalities—Classification—The Municipal Officers and Their Powers—Powers of the Council and Limitations Thereon—Municipal Revenues—Specially Organized Provinces—Local Governments for the Wild Tribes—The Moros—The Moro Province—Military Character of Its Government—Gradual Substitution of Civilian Officials—Creation of the Department of Mindanao and Sulu—The Cities of Manila and Baguio—Local Governments Reasonably Successful.

It is chiefly in the subordinate governmental units that the qualifications of the Filipinos for self-government are being tested. The economic, political and social life of the people is localized in the provinces, municipalities and *pueblos* to a degree unknown in western states. Few of the common people have ever seen the capital city or been brought into personal relations with the officials of the central government. Their knowledge of Americans and their characteristics is derived from intercourse with the few teachers, engineers and constabulary officers who are stationed in their midst and from respectful observation of the high officials who at intervals make their rounds of inspection. The American papers are seldom read by the Filipinos. The native papers printed in the Spanish language or in some local dialect furnish the perverted data upon which they form their opinions of the American government and its work. The laws, decisions of the courts, and executive orders are printed in the *Official Gazette* which is sent to the more important officials, but of course it constitutes constructive notice only to the ordinary citizen of what the government is doing.

President McKinley directed that the people should be given every opportunity to control their own affairs in the smaller

political units. The work of organizing local governments which had been commenced by the military authorities before the arrival of the commission was pushed rapidly forward.[1] The law under which the provinces and municipalities were organized granted a large measure of control to the provincial governments and almost complete local autonomy to the municipalities. All the municipal officers but the treasurer were made elective. Originally the provincial board was composed of an elected governor, an appointed treasurer and a provincial school supervisor. This was found unsatisfactory, and in pursuance of the general policy of extending power to the natives the people were authorized to elect a third member of the board, the treasurer only remaining appointive. The provincial treasurer was the particular *bête noire* of the provincial governor and in time he was regarded as the malign influence on the board to which every evil of the province might safely be attributed. Remedies which it was sought to apply to abuses in the local government lost much of their effect by being attributed to the influence of the American member of the board. The Provincial Government Act was finally amended so as to permit the election of the governor and a third member by direct vote of the people. The treasurer only remained appointive and responsibility for conditions was placed on the local electorate. The elected officers realized that they were on trial and friction between them and the treasurer soon disappeared. The central government thus kept its hand on the finances and through the executive secretary exercised general supervision over the local administrations. The governor-general has always had the power to remove any official, whether elected or appointed, who neglected his duty or was guilty of official misconduct, and the effect of the existence of this power in the chief executive has had a very steadying effect upon the local officials. Under the Administration Code of 1916 the entire membership of the provincial board is now elected by the people.

President Wilson's reorganization of the Philippine Commis-

[1] See Elliott, *The Philippines: To the End of the Military Régime*, p. 519.

sion gave the Filipinos a majority of the members, thus giving them control of both legislative bodies.[2] Legislation enacted by the Filipino Legislature before Congress passed the Jones Bill had also placed the Filipinos in full control of the executive and legislative power in all the local governments, subject, of course, to the control of the governor-general.

The local governments are thus entering upon a new phase of their history with increased powers and responsibilities. Whether they will be administered successfully will depend, as in the past, almost entirely upon the way in which the supervising power of the central government is exercised.

The importance that Americans attach to the principle of decentralization in government and the general feeling that the people of a locality have an inherent right to control the affairs which affect that locality alone, as well as President McKinley's instructions that these privileges should be extended as rapidly as possible to the Filipinos, require a somewhat detailed description of the provincial and municipal organizations.

Probably there has not been an American official in any municipality in the Philippines during the past five years.[3] Hundreds of thousands of Filipinos have there elected their officials and governed themselves. How well have they discharged the duties imposed upon them?

For governmental purposes the islands are divided into provinces and subprovinces, and the provinces into municipalities. The so-called Department of Mindanao and Sulu is merely a larger name for the old Moro Province. In some remote sections the people are grouped into settlements under special governments adapted to their simple requirements.

Although some new provinces have been created and many

[2] However, the reader will not lose sight of the fact that President Wilson retained the power to remove the Filipino members of the commission if they refused to obey orders.

[3] Possibly there have been a few treasurers appointed for the purpose of training some Filipinos for the position. Manila and Baguio are not classed as municipalities.

boundaries have been changed the large divisions of the country are not very different from what they were in Spanish times. As now organized the Archipelago comprises thirty-six principal provinces,[4] the city of Manila,[5] and the Department of Mindanao and Sulu with its seven subprovinces.[6]

A province bears a relation to the insular government suggestive, although not very much like, that of a state to the United States government. Some of the provinces have a population greater than that of many states of the Union. They have in some instances interests and industries of a purely local nature which require special treatment. They constitute what President McKinley's Instructions referred to as those "larger administrative divisions corresponding to counties, departments or provinces, in which the common interests of many or several municipalities falling within the tribal lines or geographical limits may best be subserved by a common administration."

They are public corporations with the usual powers, capacities and liabilities of such bodies, resembling in this respect the counties of an American state.[7] The chief officers of a province are the provincial governor, the treasurer, and the members of the provincial board, all of whom except the treasurer are elected for definite terms by the qualified electors of the province. They are thus independent local officers who hold office by fixed tenure subject, however, to the rather important provision of the law that should the governor-general have reason to believe that any provincial officer or any lieutenant of a subprovince is guilty of

[4] Albay, Ambos Camarines, Antique, Bataan, Batanes, Batangas, Bohol, Bulacan, Cagayan, Capiz, Cavite, Cebu, Ilocos Norte, Ilocos Sur, Iloilo, Isabela, Laguna, La Union, Leyte, Mindoro, Misamis, Mountain Province, Nueva Ecija, Nueva Vizcaya, Occidental Negros, Oriental Negros, Palawan, Pampanga, Pangasinan, Rizal, Samar, Sorsogon, Surigao, Tarlac, Tayabas and Zambales.

[5] The city of Manila constitutes a separate jurisdiction and is not included within the territory of any province. In the absence of a special provision, the term "province" may be construed to include the city of Manila for the purpose of giving effect to laws of general application.

[6] Agusan, Bukidnon, Cotabato, Davao, Lanao, Sulu and Zamboanga.

[7] Administrative Code, Book III, Title XI, Chap. 46. This law repeals the old provincial law and municipal code.

disloyalty, dishonesty, oppression or misconduct in office he may suspend him from the discharge of the duties of his office and after investigation, with the consent of the upper house of the legislature, remove him from office.

The governor of a province is the most important officer elected by the direct vote of the Filipinos. The office is one of dignity and responsibility and is much sought for by the leading men. A candidate for governor need not be a resident of the province at the time of the election but if elected he must reside at the provincial capital during the term of his office. He reports annually through the executive secretary to the governor-general. Subject to the general law he controls the local police and may call upon the constabulary to apprehend criminals and suppress disorder. At least once in every six months he must inspect every municipality in his province and advise the local authorities in matters connected with the performance of their duties and investigate complaints regarding official misconduct. He must also keep the governor-general informed as to conditions in his province and recommend such measures as he deems advisable for the improvement of conditions.

A provincial governor receives a salary of from fifteen hundred to three thousand dollars per year depending upon the importance of his province.

The provincial treasurer is the financial officer of the province. He collects the insular, provincial and municipal taxes and has the custody of all funds and property of the province. The insular auditor exercises direct supervision over the treasurers and has the power, when he deems it proper, to supersede the treasurer and take possession of his office for the purpose of checking up his accounts. The salary of the treasurer is the same as that of the governor. In each province wherein is located real property subject to the land tax the executive secretary, on the nomination of the provincial board, appoints from the residents of the province a provincial assessor and deputy assessor to appraise the real property subject to taxation.

There is also a provincial *fiscal* who is the local legal adviser of the provincial government and its officers and who acts also as register of deeds. The *fiscals* are under the general supervision of the attorney-general of the islands. In each province there is a district engineer who has charge of the construction, repair and maintenance of all roads, bridges and ferries not within the inhabited portions of the municipalities. The engineer is assigned to the provinces from the Bureau of Public Works and is subject to the general supervision of the director of that bureau. The engineer acts as the adviser of the provincial board in all matters relating to public works.

The provincial board must meet weekly in public sessions at the provincial capitol for the consideration of business. The elective members may, by resolution of the board approved by the governor-general, be required to perform the duties of any other provincial officer or any ministerial duty required by the board. Records of the meetings of the board must be kept by its secretary and copies of the minutes of all executive orders, resolutions and ordinances must be furnished to the executive secretary at Manila.

Certain specific duties are imposed on the provincial board. Thus, each board must provide a seal for the province, a jail, offices for the officials and for the division superintendent of schools, and accommodations for the courts. It must bring or defend suits by or against the province, provide for the construction and maintenance of roads and bridges and other public works, and conduct a systematic campaign against dangerous communicable diseases, agricultural pests, and epidemics of cattle diseases.

The powers of the board fall into two classes.

It may, without the approval of the governor-general, appropriate the general funds of the province to pay its lawful debts and carry on its lawful activities; to purchase draft animals for breeding purposes; to organize, equip and maintain schools in any municipality or other district where local funds are insufficient; to pay for property destroyed by the health authorities;

or to make loans to municipalities, townships and settlements to enable them to combat diseases or pests.

It may also establish toll roads and ferries, but no tolls may be collected from any person in the service of the United States government or from any foot passenger on any road or bridge. The provincial board may also establish and maintain provincial schools to be conducted as a part of the public school system. It may also, with the public money, maintain two professional students at the university or some other government institution.

With the approval of the governor-general the provincial board may appropriate money for loans to municipalities for purposes other than combating diseases; fix or change the salary of the lieutenant-governor of any subprovince; authorize municipal councils to fix the salaries of their officers in excess of the amount fixed by law; exercise the power of eminent domain in aid of the construction of roads, public buildings and other enumerated purposes, and appropriate money "for purposes not specified by law, having in view the general welfare of the province and its inhabitants." Under this clause the governor-general and provincial board may appropriate money for almost any imaginable purpose.

All regularly organized provinces are required to maintain a special road and bridge fund which may be appropriated by the board for the following purposes only:

(1) To repair, maintain and improve, and construct roads and bridges in the provinces, priority to be given to maintenance of existing roads and bridges.

(2) With the approval of the governor-general to provide and maintain wharves, piers and docks, and to remove obstructions to navigation.

(3) With the approval of the governor-general to acquire, operate and maintain, or subsidize means of water transportation within the province.

All specially organized provinces must maintain a road and bridge fund which may be used to maintain and construct roads and bridges, and with the approval of the secretary of the in-

terior, to subsidize or acquire an improved means of water transportation.

In all provinces where there are non-Christians a special fund must be maintained to be used for their benefit under the direction of the secretary of the interior. In the regularly organized provinces the provincial board may in its discretion create and maintain a special fund to be used for local fairs or for the Philippine Industrial Exposition.

It will be noted that the system of loans by one government unit to another is in general use. The insular government loans money from special funds to the provinces or municipalities. The provincial boards make loans to municipalities, townships and settlements for many purposes, and the provincial treasurers are authorized to loan not to exceed twenty per cent. of the municipal funds deposited with them and held in reserve, to municipalities to be used in the construction of permanent public works, for the purchase of land for school purposes, and for the erection of substantial school buildings.

The Municipal Code which was enacted soon after American occupation was recently repealed and municipalities are now governed by the Administrative Code of 1916.[8] The power to organize new municipalities is by the new law vested in the provincial board with the approval of the provincial governor.

Prior to the Maura Law of 1893, the *pueblos* were governed by a body called the *principalia*. That law converted the *pueblos* into municipalities and the *principalias* into municipal councils with the officers required by the new conditions.[9] The Municipal Code simply took the *pueblos* with their names, boundaries and property and made them municipalities with the usual powers of such public corporations. A municipality in the Philippines resembles an American township or New England town and not a city. It frequently embraces many square miles of territory in which there are a number of cities and villages. This

[8] For the present municipal law, see the Administrative Code, Title XII, Chap. 47, Secs. 2110-2270.

[9] See Elliott, *The Philippines: To the End of the Military Régime*, p. 231.

territory is divided into *barrios* or wards which for administrative purposes are grouped into districts.

There are four classes of municipalities, determined by population, which also determines the size of the governing body. The first class, with not less than twenty-five thousand inhabitants, has eighteen councilors. The second class, with eighteen thousand and less than twenty-five thousand inhabitants, has fourteen councilors. The third class, with ten thousand and less than eighteen thousand, has ten, and the fourth class, with less than ten thousand inhabitants, has eight councilors. A municipality passes from one class to another as its population increases or decreases.

The councilors, with the president, vice-president and treasurer, are the chief officials and all but the treasurer are elected by the qualified electors of the municipality. Ecclesiastics, soldiers in active service, persons receiving salaries or compensations from provincial or insular funds and contractors for local public works, are ineligible to municipal office. The salaries of the president, secretary and treasurer are fixed by the council subject to the provision that they may not exceed in the different classes of municipalities, for the president, $600, $500, $400 and $300; secretary, $300, $250, $200 and $150; treasurer, $400, $300, $200 and $150. The offices of vice-president and councilors are honorary and the incumbents receive no compensation. The president, commonly called the *presidente,* is the chief executive of the local government and exercises general supervision over the affairs of the municipality. He is charged with the duty of seeing that his subordinates perform their duties properly and that the laws and ordinances are enforced. He presides at the meetings of the council and assists the treasurer in collecting the taxes and the health officers in enforcing the sanitary laws. In the absence of the justice of the peace he may hold preliminary investigations in criminal cases. Subject to the approval of the council he appoints, and may remove, all the non-elective officers. Each year he renders to the provincial governor a report of the most important events which have occurred in the municipality

during the year and quarterly he sends to the Bureau of Agriculture a detailed report on the condition of agriculture, live stock and other such matters.

The vice-president is *ex officio* a member of the council and has all the rights and duties of a councilor. The municipal treasurer is appointed by the provincial treasurer with the approval of the provincial board and subject to the provision of the civil service law. His authority thus comes from an outside source. The secretary in addition to the ordinary functions of such an officer, collects and preserves vital statistics relative to marriages, births and deaths.

The councilor is an important person in the community and the fact that the office is honorary seems to add to its dignity.[10] Each councilor is given charge of a particular *barrio,* or district containing more than one *barrio,* and he acts as a special representative of the people of his *barrio* or district and must keep them fully informed of what occurs in the council and of all other matters which directly concern them by suitable notices posted in conspicuous places. He must also promptly notify the president of "any unusual or disturbing events occurring in his district." He may also appoint a lieutenant in each *barrio* or district under his immediate supervision, who shall assist him in the performance of his duties.

The municipal council is a legislative and administrative body. It has very important powers which, however, it must exercise in some cases under the supervision of the provincial board, the corresponding body of the higher governmental unit. The powers granted to the councils by general law are divided into two classes. *It is required* to:

"establish and fix the salaries of municipal officers and employés

[10] Following the Spanish custom the municipal officers and the provincial governors are authorized to carry official canes. The governor may carry a "white walking stick of white india cane with gold head and gold cord and tassel." The municipal president is authorized to use as a symbol of office a "black cylindrical cane with gold head and silver cord and tassels." The vice-president may use a "gilt ferule with black cord and tassels" and councilors may carry a "cane with a silver head, gilt ferule, and black cord and tassels." In Spanish times the governor-general carried a cane as a badge of office.

except the treasurer and public-school teachers; make appropriations for proper municipal expenses; erect suitable buildings; regulate the construction, care, and use, of streets, sidewalks and piers; declare and abate nuisances; prohibit the throwing of waste into the streets; provide for the disposition of garbage; regulate the keeping and use of animals in so far as the same affects public health and the health of domestic animals; require private premises to be kept in sanitary condition at the expense of the owner; construct and maintain sewers and drains and regulate the construction and use of closets and drains; regulate the burial of the dead; establish or authorize the establishment of and regulate the inspection of articles of food; adopt measures to prevent the introduction and spread of disease; establish and maintain a police department; prohibit gambling, disorderly houses and opium joints; provide for the punishment of prostitutes and habitual disturbers of the peace, intoxication, and disorderly conduct; provide for the regulation and suppression of vagrancy; restrain riots and public disturbances; suppress and punish cruelty to animals; provide by ordinance for the levying of taxes for municipal purposes; and regulate the sale of intoxicating malt and fermented liquors at retail."[11]

In addition the council *is authorized* to:

"suspend or remove appointive officers and employés; provide for the care of the sick and the insane; establish fire limits and make building regulations; provide for the naming of streets, the numbering of houses, lighting and sprinkling of streets; establish roads, streets, canals and parks; provide a building for a post-office; regulate the keeping and impounding of dogs and the running at large of cattle; regulate cockpits and the keeping of game cocks; regulate stables and garages and the keeping of vehicles for hire; designate stands for public vehicles; regulate cafés, hotels, inns, and lodging houses; regulate or prohibit public dance houses and horse races; regulate and provide for the inspection of steam boilers; regulate the use of water courses; provide for the impounding and sale of animals at large contrary to law; and regulate any business or occupation subject to a municipal license tax."

[11] No attempt is made to state in detail all the powers of the municipal council, but this enumeration is necessary to show what the American supervision *requires* the local Filipino officials to do.

Persons engaged in certain occupations or exercising certain designated callings may be required to procure licenses at rates fixed by ordinance.

Certain granted powers may be exercised only with the approval of the governor-general. On that condition a municipal council may exercise the power of eminent domain for certain purposes. It may also appropriate money in aid of any insular and provincial charitable, beneficial or educational institution which might be maintained by the municipality. The duty of providing elementary schools is imposed on the municipalities[12] and after that duty has been performed they may establish and maintain night schools in English and even special or professional schools.

The duty of maintaining law and order is imposed on the municipality and for that purpose it must maintain the necessary police force. For a number of years the municipal police were practically useless. Neglect and abuses rendered it necessary to restrict the powers of the president and council and in 1911 the legislature required the chief of constabulary to prepare rules and regulations under which policemen are now selected from a list of applicants who have qualified by passing a special examination. The president still appoints the members of the force with the approval of the council, but the chief of police in each municipality is appointed by the provincial governor on the recommendation of the president and with the approval of the council.[13]

Each municipality must provide the necessary equipment for fire protection and where there is no paid fire department the police act as firemen.

The habit of excessive indulgence in holidays rendered it necessary to restrict the municipal *fiestas* to one a year. Restrictions are also placed on cock fighting which now may take place only in licensed cockpits and on legal holidays, and for a period not exceeding three days during the celebration of the local *fiesta*.

[12] See Chapter X.
[13] See Chapter XIII.

However, when the provincial board decides that a fair, carnival or agricultural or industrial exhibit, "or any other act which may redound to the promotion of the general interest" shall be held the municipal council may authorize the cock fighting permitted at a local *fiesta* to take place at such celebration if held at a time other than that of the local *fiesta.*

The municipalities have ample power to raise the necessary revenue. Their incomes are derived from an *ad valorem* tax on real estate and from license taxes and fees for various services and the proceeds and income from the sale, use and management of the property held by the corporation.[14] It is held to be a fundamental principle that the revenues obtained from taxation shall be derived from such sources only as are expressly authorized by law. Taxation must be just and in each municipality uniform. No taxes in any form may be imposed on goods carried into or out of a municipality. The collection of taxes can not be farmed out. The municipal funds must be collected by the proper officers and when collected they must be devoted exclusively to local public purposes. The taxes are collected by the provincial treasurer, who may use the municipal treasurers as his deputies.

The money collected for school purposes is required to be kept as a special fund and certain other special funds are also authorized for such purposes as the aid of provincial industrial exhibitions, but the money may be appropriated for such purposes only with the approval of the governor-general.

Early in January of each year the municipal treasurer is required to prepare and present to the council a detailed statement of the municipal receipts and disbursements during the preceding year. With this as a guide the council must then make a careful estimate of the probable income for the current year and upon that basis make its allotments for the year. The appropriations so made constitute the municipal budget which, after the allotment for school purposes has been approved by the division superintendent of schools, must be submitted to and

[14] See Chapter VII.

approved by the provincial treasurer before it becomes effective. If that official disapproves of any particular item or items the council may appeal from his action to the provincial board and its action thereon is final.

The old custom of absorbing the revenues in payment of officers and employees made it necessary to limit the amount which may be used for salaries and wages, other than teachers', to a fixed proportion of the income ranging according to the class of the municipality from fifty to eighty per cent. Detailed provisions are made for the disbursements of public funds.

The municipality may own, conduct or provide for the conducting and operation of public utilities such as water-works, ferries, wharves, markets and slaughter-houses.

The regularly organized provinces were supposed to be inhabited by civilized Filipinos who were able, under reasonable supervision, to conduct a modern local government. The country inhabited by the Moros and wild tribes required radically different treatment. Lying between these extremes there were provinces in which the people were in an intermediate stage of development and for them special governments were created. In the more advanced, the form of provincial government differed but little from that of the regularly organized provinces except that the officers were appointed by the governor-general and control was in the commission instead of the legislature. The Filipinos who resided in these provinces were active in the work of bringing them fully under the jurisdiction of the legislature and this seems to have been effected by the Administrative Code of 1916, which contains a number of provisions applicable only in specially organized provinces under the departmental control of the secretary of the interior. The special provisions applicable to these provinces are a little confusing and are of general interest only in so far as they illustrate the practise of passing the natives through different stages and granting them additional powers of local government as they become more capable of exercising them.

President McKinley instructed the commission to adopt, in dealing with the wild tribes, the general policy which had been followed by Congress with reference to the American Indians and to permit them to retain their tribal organizations while subjecting them to a firm but not an irritating control.

As the provincial and municipal governments provided for the civilized people were not suitable for the wild men, special laws were passed as particular provinces in the non-Christian territory were organized. The province of Benguet was thus organized as early as 1900[15] and soon thereafter the special provinces of Nueva Vizcaya, Lepanto, Bantoc, Palawan and Mindora were created. Gradually a form of government suitable for these people was worked out and in 1902 a general law was enacted under which special provinces and townships were thereafter organized. This act provided for a provincial governor, treasurer, supervisor and attorney, with a provincial board composed of the governor, treasurer and supervisor.[16] The governor was required to see that the laws were made known to the people and faithfully observed, to visit each township and settlement in his province once in six months, to control the local police, to act as sheriff in the courts of first instance, and to care for the prisoners. The secretary performed the usual duties pertaining to such an office. The treasurer collected the property tax, fines and license fees and supervised the assessment of taxes. Once a month a committee consisting of the governor, supervisor and district superintendent of schools counted the money in the possession of the treasurer and reported the results to the insular auditor. The supervisor was charged with the construction, repair and maintenance of the roads, bridges and ferries of the province, and of the public buildings of which he was custodian. The provincial board was the real governing body of the province and upon it were imposed many ministerial duties. It was authorized to pass ordinances for designated purposes, to approve

[15] *Rept. Phil. Com.*, 1900-1903, p. 60.

[16] Some of the provinces were divided into subprovinces in which there were lieutenant-governors and other officers.

or disapprove of acts of the township councils of the province, and to require the council of any township to pass suitable ordinances and upon their neglecting to do so to issue written orders for securing the ends in view which should have the effect of laws subject to disapproval by the secretary of the interior.

The provincial officers were informed that their aim should be to aid the people of the several townships of the province to acquire the knowledge and experience necessary for successful local popular government and that their supervision and control should be confined within the narrowest limits consistent with the requirements that the powers of government in the townships be honestly and effectively exercised and law and order and individual freedom protected and maintained.

The board was also required to provide necessary school buildings for the province where instruction might be given in academic and commercial subjects, manual training and agriculture, and normal-school work, and to provide for the maintenance of such schools subject to the general supervision of the division superintendent and the director of education. It was also authorized out of provincial funds to make loans to townships for school purposes not, however, to exceed ten per cent. of the gross income of the province.

When in its opinion the inhabitants of any township or settlement had advanced sufficiently in civilization to make such a course practicable, the board might, with the approval of the secretary of the interior, provide that the people shall no longer be exempt from the payment of the *cedula* tax and that other provisions of the general law relative to taxation shall be applicable to said township or settlement.

An annual tax of two pesos is imposed on every male inhabitant over eighteen and under sixty years of age, with certain exceptions, to create a fund for the purpose of protecting and improving roads and trails in the province and to construct public works. A person delinquent in the payment of this tax is required, in person or by substitute, to work for ten days on the roads, trails or public works under the direction of the super

visor. The inhabitants of any township or settlement who have not, in the opinion of the provincial board, advanced sufficiently to make the collection of the tax practicable or advisable in the public interest, may, with the approval of the secretary of the interior, be exempt from the payment of this tax.

All provincial officers in these provinces were subject to removal by the governor-general with the consent of the commission.

There were many provisions which related to particular provinces only. The secretary of the interior was required to visit and inspect each province at least once each fiscal year, but under recent legislation the supervision of the secretary is exercised through an officer entitled "Delegate of the Secretary of the Interior for the non-Christian people."

Going still further down in the system we find the township, the government of which is vested in a president, vice-president, and council composed of one resident from each *barrio*. There are also a secretary, treasurer, and such non-elective officers and employees as the council deems necessary and the provincial board authorizes.

It will be observed that the duties of the provincial board and of the provincial officers in these provinces are largely supervisory and controlling. The government of the non-Christian provinces was from the first under the immediate supervision of the secretary of the interior subject, however, to the control of the commission. With various changes of detail this form of government is still in force and under it the wild men have developed considerably. Schools have been established and many hundreds of miles of roads and trails constructed through the mountains.[17]

Until within very recent years it was recognized that the existence of the Moros in the southern islands created peculiar conditions which required special governmental treatment. It

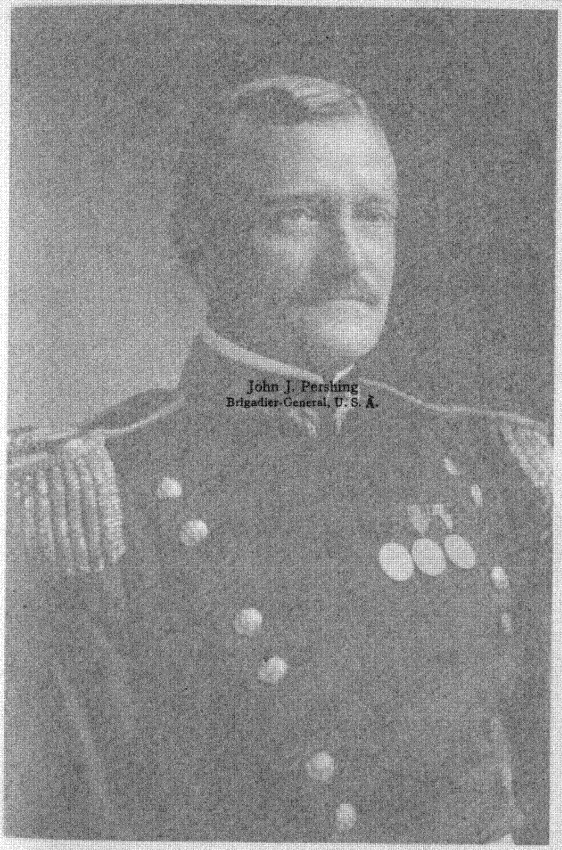
[17] The reorganization of the central government under the Act of August 29, 1916, which abolished the commission, will necessitate many changes in the statutes relating to the special provinces.

was admitted that there was a racial and religious antagonism between the Moros and the Filipinos which made it impossible to associate them together for purposes of government. It was not pretended that the Moros were sufficiently advanced in the ways of civilization to justify granting them any substantial part in the work of operating a modern government. But the Filipino political leaders soon adopted a theory of racial unity and claimed that the Moros were merely backward Filipinos who should be treated as wards of the more advanced Filipino people.[18] This theory seems to have been adopted by the Harrison administration and to have found recognition in the Philippine Government Bill of 1916.

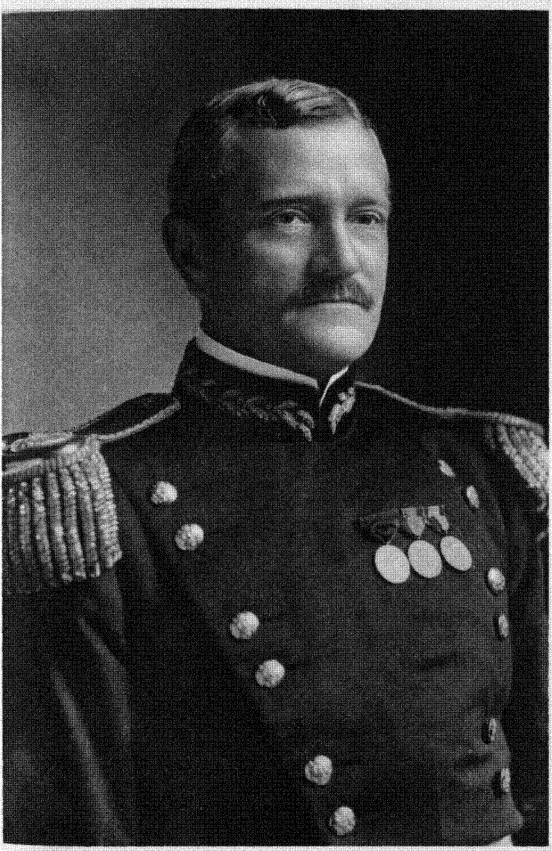
What has been accomplished in the way of civilizing the Moros and bettering the condition of their lives was done under a form of government which has just been abolished. What can be done under the new plan is necessarily problematical.

The Act of Congress of July 1, 1902, recognized the long-established distinction, based on religion and different stages of development, between the Filipinos, and the non-Christian tribes and Moros, and the consequent necessity for providing different forms of government for the different groups of people. On July 1, 1903, that part of the Archipelago inhabited by the Moros was by the commission organized as a separate province under the name of the Moro Province, with a form of local government which had been worked out by Brigadier-General Davis while in command of the military department. Prior to that time the government was purely military and thereafter military influence was continued by the detail and appointment of army officers to the civil offices. From the organization of the province until the reorganization in 1913 Generals Wood, Bliss and Pershing in turn were in command of the military department while occupying the civil office of governor of the province. During that time nearly all of the subordinate civil offices were also held by army officers. The number, however, was gradually reduced until in December, 1913, when General Pershing

[18] For an account of the feeling among the Moros, see the *Special Report* of Secretary of War Dickinson after his visit to the Philippines in 1910, p. 8.



John J. Pershing
Brigadier-General, U. S. A.



resigned, only the position of health officer was held by an officer of the United States Army.

The Moro Province which was thus governed directly or indirectly by military officers during fifteen years[19] included nearly all of the island of Mindanao, the Sulu Archipelago, the Tawi Tawi group, and the other islands south of the eighth parallel except Palawan, Balabac, and certain small islands adjacent thereto. The territory was divided into five districts with subordinate local governments in each. The legislative power was vested in a legislative council composed of the provincial governor, secretary, treasurer and attorney. This council was, for legislative purposes, the agent of the Philippine Commission in which the primary legislative power was vested. It raised revenues by the imposition of taxes and in its discretion provided for the maintenance of a school system, a system of public works, and tribal courts for the determination of cases in which the Moros were interested. With certain reservations it exercised the general legislative power for the province. Its laws had to be reported immediately to the Philippine Commission and by it approved before they became effective. With the exception of the customs receipts collected at its ports, which were turned over by the insular government to the provincial government, it was dependent upon its own revenues. It received nothing from the insular government for public works, or the support of its schools.

The provincial governor, secretary, treasurer and attorney, were appointed by the governor-general with the consent of the commission. The governor and secretary might be, and in fact always were, officers of the army detailed by the commanding general at the request of the commission. The offices of engineer and superintendent of schools were created by the legislative council and the incumbents were appointed by the provincial governor with the approval of the council. The district officers were all appointed in the same way.

[19] It is only in a restricted sense that the Moro Province was under military government. The control was in the Philippine Commission and the governor-general.

The jurisdiction of the insular courts extended over the Moro Province but it was subject to certain restrictions imposed by legislation enacted by the commission.

During the life of the Moro Province there was a continuous agitation by the Filipinos for the abolition of military rule and the organization of the Moro country under the general provincial and municipal laws. Control by the Philippine Legislature, what they really desired, was impossible under the terms of the Act of Congress.

During the latter years of Governor-General Forbes' administration considerable progress was made toward the substitution of civilian for military officers and General Pershing recommended that the provincial government be reorganized and turned over to full civilian control. Soon after the change of administration the newly-constituted Philippine Commission changed the name of the Moro Province to that of the Department of Mindanao and Sulu[20] and transferred the authority theretofore exercised by the secretary of the interior in connection with the province of Agusan and its subprovince of Bukidnon, to the government of the new department. These provisions became effective January 3, 1914, and Mr. Frank W. Carpenter, who for several years had held the office of executive secretary, became the first civilian governor for the Moros.

Pursuant to another act of the commission[21] a general reorganization of the department was made and special forms of government were provided for the provincial or local municipal units.[22] The administration program as then announced had for its object the rapid extension of the regular provincial and municipal codes to all parts of the Archipelago.[23]

[20] Act No. 2309, December 20, 1913.

[21] Act No. 2408, July 23, 1914. See the first report of the provincial governor, February 10, 1915, in *Rept. Phil. Com.*, 1915, pp. 324 *et seq.*

[22] See the Administrative Code, Title XIV, Secs. 2560-2617.

[23] The purposes of this legislation are thus stated in the preamble of the act, which is entitled, *The Organic Act for the Department of Mindanao and Sulu:*

"*Whereas* the change of government in the Department of Mindanao and Sulu, effected in January last, necessitates certain reforms, and not only is

The legislative control formerly exercised by the Philippine Commission over Moroland has now, under the Philippine Government Law of 1916, passed to the new Philippine Legislature but the government is still a special one differing from that in force in other parts of the Archipelago. As Secretary of War Dickinson, after his visit to the islands in 1910, said, the Moros will have "to be essentially recreated to make them an integral governing part of a republican government reuniting them with the Filipinos." The form of rudimentary government provided for the subprovinces of the Department of Mindanao and Sulu requires no special consideration.

The cities of Manila and Baguio are governed under special charters. Baguio has always been governed by Americans. The government of Manila has passed rapidly from American to Filipino control. At first the members of the Municipal Board were appointed by the governor-general. A certain number were then made elective and under recent legislation the entire membership is elective. The results have not been very satisfactory.

The provincial and municipal governments have been reasonably efficient.

the time ripe for these reforms, but they are insistently demanded by present conditions in said department; and

"*Whereas* it is the desire of the people of the islands to promote the most rapid moral, social, and political development of the inhabitants of said department in order to accomplish their complete unification with the inhabitants of other provinces of the archipelago; and

"*Whereas* for the accomplishment of this purpose the extension thereto of the general laws of the country and of the general forms and procedures of government followed in other provinces under certain limitations in harmony with the special conditions now prevailing in said department, is among other measures advisable and necessary, but always with the understanding that such limitations are temporary and that it is the firm and decided purpose of the Philippine Commission to abolish such limitations, together with the departmental government, as soon as the several districts of said region shall have been converted into regularly organized provinces: Now, therefore," etc.

This, in substance and tone, is a Filipino document expressing the "aspirations" of the Filipinos rather than the desires of the Moros or the judgment of wise Americans.

CHAPTER VI

The Commission Government, and Its Administration

Changing Character of Government—Self-government and Independence—The System of Commission Government—The Responsibility of the Commission—Represented American Sovereignty—American Majority in Commission—Its Duties—Organization of Executive Departments—The Grouping of Bureaus—Rearrangement in 1907—Changes in Judicial System by Organic Law—Tenure of Office of Justices—The Personnel of the Supreme Court—Jurisdiction—The Courts of First Instance—No Juries—Native Judges—Reorganization Law of 1914—Injurious to Service—The Official Language—Spanish Retained in Courts—Spanish Used in the Assembly—Probable Decline of English—Creation of Philippine Legislature in 1907—Two Distinct Legislative Bodies—Difficulties Resulting Therefrom—Unit Subjects of Legislation—Residuum of Legislative Power in Commission—Commission Reorganized by Wilson—Majority of Members Filipinos—Loss of Prestige—Abolished in 1916—The Office of Governor-General—Sources of Authority—Specific Powers and Duties—Delegation of Legislative Power—Appropriations Subject to "Release" by Governor-General—Practise Condemned—Office Magnified by President Taft—Legislative Activities of Governor-General—Log Rolling—Disrepect for Laws—Failure to Pass Current Appropriation Bills—Automatic Renewal of Appropriations—Assumption of Power over Appropriations—The "Advices" to the Treasurer—Serious Effect of Misconstruction of the Law—The Executive Secretary—The Insular Auditor—Independence Largely Imaginary—Resident Commissioners—Influence of the Assembly—Methods of Legislation—Excessive Deference to Speaker—Difficulties of Administration—Certain Tendencies.

On October 16, 1916, a government by trained Americans with the assistance of Filipinos was replaced by a government of Filipinos with the advice and assistance of Americans. After little more than a decade of preparation for self-government, the country, under the Philippine Government Law of 1916, is entering upon a new period which may be characterized as one of preparation for absolute independence. The slow processes of evolution and growth through training and experience are being hastened by congressional legislation based upon assumptions of very doubtful validity.

For fifteen years the Philippines had a system of commission government very similar to that of many progressive American cities. During the greater part of that formative and constructive period the United States Philippine Commission was, under the president, responsible to Congress and the American people for the success of the rather unique experiment in nation building which was being tried in the Far East. It was the sole legislative body for all parts of the country inhabited by non-Christians and Moros, and without its consent no legislation could be enacted by the Philippine Legislature, of which it was the upper house. As the original possessor of all legislative power in the islands, it in law if not in fact retained for the entire Archipelago, exclusive legislative control over all subjects which, in their nature, were not capable of division by territorial lines.

The original Instructions to the commission, which had the force of law, vested it with executive powers, some of which it retained to the end. Even after the creation of the office of governor-general, it was the sole agency through which the insular government communicated with Congress. The secretaries of the several executive departments and the governor-general, made their annual reports to the commission, which reported to the secretary of war as the immediate representative of the president.[1] But in practise, after the creation of the assembly, the power and prestige of the commission steadily declined until, during the closing years of its existence, there were few so poor in spirit as to do it reverence.

The Schurman Commission, which was sent out by the State Department in the spring of 1899, before the insurrection, was an investigating body; its functions were inquisitorial and recommendatory. The second, the so-called Taft Commission, was directed by President McKinley to proceed to Manila and organize a government on the lines laid down in his Instructions.

[1] The Administrative Code, enacted Feb. 24, 1916, requires the secretaries of departments to make annual reports to the governor-general. The executive secretary is required to make an annual report "in representation of the governor-general." The law does not say to whom this report shall be made.

The form which the central government should take was determined by these Instructions and the commission was charged with the duty of working out the details of the government in accordance with certain declared principles, and subject to the restraints of a group of prohibitory and limiting rules which were the equivalent of a bill of rights in an American constitution.

On September 1, 1900, the commission, as directed by its Instructions, assumed legislative authority over the Archipelago. On July 4, 1901, the executive power of the military governor in the pacified provinces passed to the president of the commission, with the title of civil governor.[2] In the meantime provincial and municipal governments had been established and special governments authorized for the Moros and the wild men. At the time of the inauguration of the civil governor the membership of the commission was increased from five to seven, by the appointment of two Filipinos.[3] Soon thereafter the work of the executive was apportioned among four newly created executive departments, designated as the Departments of the Interior, Commerce and Police, Finance and Justice, and Public Instruction, each with its group of bureaus.[4] Each American commissioner became secretary or head of one of these departments. The Bureaus of Audits, Civil Service, the city of Manila, and the Executive Bureau, were left outside of the departmental organization and placed under the immediate supervision of the civil governor.[5]

The institution and inauguration of the new legislature has been already described. As its members were all Filipinos and there was a majority of but one American in the commission, which constituted the upper house, and the governor-general did not have the veto power, the American control of legislation in

[2] The military governor retained control of the unpacified provinces until July 4, 1902.

[3] Subsequently the number of commissions was increased to nine, including the governor-general, who was president of the commission.

[4] Congress subsequently authorized the creation of another department, but it was never established.

[5] The title of civil governor was changed to that of governor-general by Act of Congress.

the Christian provinces rested on a very delicate foundation.[6] Because of the membership of the assembly, it was thus impossible for the legislature to pass a law without the consent of the Filipinos.

The judicial system had been reorganized and new judges and justices appointed by the commission before the executive power passed to the civil governor. As thus organized the insular government continued until the enactment by Congress of the so-called Organic Law of July 1, 1902, in which Congress wisely contented itself with approving and ratifying what had been done and resolving doubts and ambiguities through prohibitions, limitations, and grants of specific powers.

This Act of Congress made very material changes in the executive department. The appointing of justices of the Supreme Court was taken from the civil governor, and vested in the president of the United States, with the advice and consent of the Senate. As the government had been instituted on the theory that the Filipinos should be given the greatest possible part in the administration of which they were capable of taking advantage, Congress took the radical step of providing for the early creation of a legislature, one house of which should be composed entirely of delegates elected by Filipino constituencies.

It was recognized that for some years the Moros and wild men would have to be governed under special laws, and they were left under the control of the commission. In 1907 jurisdiction over all parts of the Archipelago not inhabited by these people was transferred to the new legislature and from that date until 1916 there were theoretically two distinct, independent legislative bodies in the islands.

We find, thus, that from July 4, 1901, to October 16, 1916, there was a fairly well-organized central government at Manila, with the usual organs of a free popular government. The executive power was vested in a governor-general with the usual subordinates; the judicial power in a system of courts organized

[6] The president could of course control the Filipino members of the commission, who were subject to removal.

on the model of American courts; and the legislative power in two bodies, one of which constituted the upper house of the other. The country was divided into provinces in which there were many municipalities and other local governmental bodies. The Moro country was organized as the Moro Province with its own legislative council and executive officials appointed by the governor-general, but subject to the commission, which existed until 1914, when it was reorganized as the Department of Mindanao and Sulu. The laws passed by the legislative council of the Moro Province did not go into effect until approved by the commission.

The administrative work of the insular government was conducted through bureaus, grouped into four departments, each under a secretary who was also a member of the commission. Three bureaus remained under the immediate supervision of the governor-general. There was a vice-governor appointed by the president from among the secretaries, who became acting governor-general during the absence or disability of the governor-general. The members of the commission, the governor-general, the vice-governor, the secretaries of the departments, the insular auditor, the insular treasurer and the justices of the Supreme Court, were appointed by the president of the United States, by and with the advice and consent of the Senate, and held office at the will of the president. All other officials were appointed by the governor-general with the advice and consent of the commission.

Although the secretaries of the departments were selected from the membership of the commission, the offices were distinct, different salaries being attached to each office. The vice-governor received no additional compensation. Under this organization, the heads of the executive departments, that is, the members of the cabinet of the governor-general, had seats in both of the legislative bodies.

The military government had created an unnecessarily elaborate bureau organization and this, to some extent, continued through the whole of the period under consideration. When

the civil government was formed many of these bureaus were abolished or consolidated, and in 1907, as the result of the work of what was known as the head-hunting committee, a general reorganization was effected. Thereafter no material changes were made until the Harrison administration came into power and abolished the Bureau of Navigation. The original distribution of bureaus among the departments was not very logical, having been made apparently more with reference to the desires and qualifications of the men who were to be the secretaries than according to any natural method of grouping correlated subjects.

Comparatively few changes were made by the Administrative Code which became effective in July, 1916.[7] It designated the governor-general as the department head of the Executive Bureau, the Bureau of Audits, the Bureau of Civil Service, and all other unattached offices and administrative branches of the government. The speaker of the assembly was made "the department head of the permanent force of employees of the assembly and employees of committees of the assembly acting during recesses."

As organized at the end of the commission régime the Department of the Interior had executive control and supervision over the Philippine Health Service, the Philippine General Hospital, the Bureaus of Quarantine Service, Science, Weather, Lands, and Forestry, the supervision of Fisheries, and general supervision over the non-Christian inhabitants except in the Department of Mindanao and Sulu. The administrative supervision vested in the secretary of the interior over the non-Christians was to be exercised through an officer known as the delegate of the secretary of the interior for the non-Christian people.[8]

The Department of Commerce and Police controlled the Philippine Constabulary, the Bureaus of Public Works, Posts, Labor, Coast and Geodetic Survey, with supervision over all corpora-

[7] Administrative Code, Chap. VI. For the changes made by the Philippine Government Law of 1916, see Chap. XIX, *infra*.

[8] This is a new office. Previously the secretary of the interior devoted a great part of his personal attention to the non-Christian tribes.

tions except as otherwise provided.[9] The Department of Finance and Justice controlled the Bureaus of Justice, Customs, Internal Revenue, and the Treasury, with general supervision of banks, banking, coinage and currency. The Department of Public Instruction controlled the Bureaus of Education, Agriculture, Supply, Prisons and Printing.

The judicial system, established by the military government and reorganized by the commission, was but slightly changed by the Act of July 1, 1902. The Supreme Court, the courts of first instance, the municipal courts, and the justice courts, were retained, and the legislature was authorized to create other inferior courts, a power which it subsequently exercised in the creation of the court of land registration. The jurisdiction of the Supreme Court was fixed by the Act of Congress and the independence of the justices was secured by vesting the appointing power in the president. The Supreme Court was composed of seven justices and the original arrangement of four Americans and three Filipinos, one of whom was chief justice, has been retained to the present time. It is the only governmental body in the government at the present time in which the Filipinos do not have a majority.

The law is silent as to the tenure of office of the justices, and consequently they hold during good behavior, as that phrase is understood in legal nomenclature. Although appointed by the president, by and with the advice and consent of the Senate, they are not federal judges in the technical sense and are not entitled to the benefits of the federal retiring law. Probably they are removable from office at the will of the president, although custom has made their tenure permanent. This court has always enjoyed the deserved confidence and respect of the country. It is a tribunal of great power and dignity with jurisdiction equivalent approximately to that of the Supreme Court of a state and of a United States circuit court of appeals combined.

There have been but few changes in the membership of the

[9] This includes all corporations except those engaged in banking. Until abolished the Bureau of Navigation was in this department.

court. Chief Justice Arellano and Mr. Justice Torres have served since 1901, when the present court was instituted. Mr. Justice Mapa, also one of the original judges, served until 1914, when he resigned to become secretary of finance and justice and was succeeded by Manuel Araullo, who had been a judge of the court of first instance in Manila. The Filipino members of the court are all learned lawyers with the judicial outlook and breadth of view that comes with a knowledge of different systems of jurisprudence.

The retention of the Spanish law, with its background of old Spanish codes and the imposition thereon of the results of the legislative activities of the commission and the Philippine Legislature, soon produced a rather confusing body of law which it would have been extremely difficult for a court composed exclusively of Americans or Filipinos to deal with. This composite law required a composite court and had there been no personal and political reasons for so constituting the court, that alone would have been sufficient. The members of the court have worked harmoniously together and never, apparently, except in one instance, have the justices differed on racial lines, and then upon the question whether a Filipino should suffer life imprisonment or death, the Filipinos voting for death, and the Americans for the lesser penalty. Three of the present American justices had served an apprenticeship in the lower courts of the islands and came to the appellate court with full knowledge of the Spanish laws and local conditions.

For judicial purposes the islands are divided into districts, in each of which there is a court of first instance with one or more judges. These courts correspond to the ordinary district or circuit courts of the states of the Union, with substantially the same jurisdiction plus the admiralty, customs, patent, bankruptcy, and other such special jurisdictions of the United States district courts.[10] As there are no juries,[11] the trial judges bear great re-

[10] No federal courts were ever organized in the Philippines. On the title page of Blounts' *The American Occupation of the Philippines,* the author is described as former judge of the United States District Court in the Philip-

sponsibilities, relieved to some extent, however, by the law which requires that the record of every criminal case in which the death penalty is imposed, shall be forwarded to the Supreme Court and there approved before the sentence is actually executed. On ordinary appeals by the defendant, in criminal cases, the Supreme Court may affirm, reverse, reduce or increase the sentence imposed by the trial court, and even impose the death sentence when the defendant has appealed from a sentence of imprisonment only. The judges of these courts are appointed by the governor-general subject to confirmation by the commission and hold office during good behavior, subject to removal by the governor-general with the consent of the commission. During the Taft régime great care was taken to divide the judicial offices as nearly as possible equally between American and Filipino lawyers, and a judge who did reasonably well was secure in his place. While there have been charges of executive pressure being brought to bear upon judges to influence their official actions, there was little, if any, justification therefor. The judges of first instance are assigned to districts at the will of the governor-general and, as the salaries vary in different districts, to say nothing of the desirability of living and working in the large cities, the chief executive has it in his power to express his discontent with a judge and, in effect, reduce his salary by transferring him to a less desirable field of activity. The power is a dangerous one but it has been seldom abused.

There are some features connected with the recent reorganization of the judiciary which are of doubtful propriety. Shortly after Mr. Harrison became governor-general the entire judicial system was revised. The law under which this was done, which was drafted by a commission that, for several years, has been engaged in the arduous task of codifying the laws of the islands, redistricted the country, provided for a number of additional judges, abolished the court of land registration, and made its

pines. As no such court ever existed the statement is evidently a misprint. The author was one of the judges of the court of first instance.

[11] The assessors, authorized by law, are seldom, if ever, utilized.

judges members of the court of first instance and retired all judges at the age of sixty-five without a pension. It seems to have created an unnecessary number of judges, thus burdening the country with additional expense.

A very unusual and indefensible provision, effecting the personnel of the court, resulted disastrously to some of the older and more experienced American judges, and the charge was freely made that back of the legislation was the sinister motive of displacing American judges and providing additional offices for aspiring Filipino lawyers. The law simply legislated all the judges of the courts of first instance out of office by providing that they should be commissioned anew by the governor-general. A number of the American judges resigned and there was much dissatisfaction.[12] Governor-General Harrison reported that all the judges who did not resign were in fact reappointed, but the assignment to districts was such as to induce some forced resignations, thus creating vacancies to be filled by Filipinos. The effect was to increase the already great unrest among the Americans, to the serious injury of the service. The vacating, by an act of the legislature, of the commissions of the entire judiciary of the islands below the Supreme Court and leaving the question of their reappointment to a new governor-general who had just arrived in the islands and who was supposed to receive his information with reference to qualifications from Filipino sources only, was a serious blow to the principle of the independence of the judiciary, upon which the system had been built.

Great care had been taken to secure honest and efficient justices of the peace. Their jurisdiction is practically the same as that of similar officers in the United States. Justices and auxiliary justices are all appointed by the governor-general for each municipality and district and the cities of Manila and Baguio, and hold office during good behavior, under the present law.[13] No person is eligible to appointment unless he is (1) at least twenty-

[12] See the letters of Judge J. C. Jenkins in *New York Tribune*, July 21 and Aug. 8, 1916; also letter of Secretary of War Baker, *New York Times*, July 31, 1916.

[13] Administration Code, Chap. II, Art. I, Sec. 239.

three years of age, (2) a citizen of the Philippine Islands or of the United States, (3) of good moral character, and (4) admitted by the Supreme Court to practise law, or have completed the course of study in a recognized law school, passed the civil service examination for clerk of court, or passed the examination which is held in each province by a board composed of a judge of the court of first instance, the provincial fiscal and a practising lawyer appointed by the judge. Only a member of the bar is eligible to appointment in Manila or in any provincial capital.[14] The examination requirements are not enforced when the appointee is an officer of the United States Army,[15] or when no one having the necessary qualifications is willing to accept the office. In such cases temporary appointments are made.

Justices of the peace unless otherwise provided, receive salaries of from three hundred to four hundred eighty dollars per year. All fees are paid into the treasury. In Manila the justice is paid a salary of one thousand eight hundred dollars and in the provincial capitals amounts running from five hundred dollars to one thousand two hundred dollars. The judges of the courts of first instance exercise certain administrative control over the justices of the peace.

Immediately after the civil government was established English was made the official language, but for reasons which seemed satisfactory to the commission, Spanish was retained as the official language of the courts until the year 1906. There was bitter opposition on the part of the American members of the bar, to this concession, but it was a very just and reasonable law as, to have made English the official language of the courts at that time would have practically eliminated the Filipino lawyers and necessitated the appointing of Americans only as judges. There were not enough natives who spoke and read English to fill the various executive and clerical positions connected with the courts and it seemed but fair to retain the Spanish language until the

[14] The justice courts in Manila, Iloilo and Cebu are allowed two clerks, who receive salaries from the cities.

[15] In the remote islands it has occasionally been found necessary to make such appointments.

native lawyers could learn English and the public schools could train young men for clerical and other minor positions.

The opposition to the English language has always been much more active than is popularly supposed, and under strong pressure the time when it should become the official language of the courts was extended until 1912. By that time the assembly, then, as always, dominated by the party which was maneuvering for independence, was opposing everything that suggested further Americanization of the country, and as there could be no legislation without the consent of the assembly, the controversy ended in a compromise under which both languages are used.

In the executive departments English has been used from the first and of course it has been the language of the commission although certain Filipino members were never able to speak it. In the assembly there probably never was a word of English spoken. The proceedings have always been in Spanish and the elaborate *Diario de Sessiones* which corresponds to the *Congressional Record,* is printed in the Spanish language only. However, under the law the English translations of the statutes are the official copies, and as the translators are Americans, the laws, in their official form, take the phraseology of, and thus read like, American statutes.[16] One result of the creation of the new legislature under the 1916 law, with a membership solely Filipino, will be that the laws will be Spanish in form and substance as well as language, and that the English language will be ignored by the legislative department of the government.

The peculiar division of the legislative power between the Philippine Commission and the Philippine Legislature resulted in considerable friction between the Americans and the Filipinos. The commission has been criticized by certain members of Congress who had no just conception of its nature, for lack of deference to the assembly. In fact it was the excessive deference shown the assembly which led to the elimination of the commission. The jurisdiction of each body was determined by territo-

[16] The statutes and also the decisions of the Supreme Court are published in both English and Spanish, in separate volumes.

rial limits and not by the subject-matter of legislation. Each was supposed to have exclusive control over all subjects of legislation within the territory where certain conditions existed. Congress defined the conditions but left the determination of the fact of their existence to the commission which, at the time, was the sole legislative body. As was to be expected, the Philippine Legislature, or, rather, the lower house thereof, the assembly, was, from the day of its institution, jealous of the authority exercised by the commission, and constantly maneuvered to increase its powers and prestige at the expense of the commission.

But legally the commission retained all the power of which it was not deprived by the Act of Congress. The president had transferred that part of the military power which was legislative in its character from the military governor to the commission, which was thereby vested with all the legislative power necessary and proper for the government of the islands, subject to certain express and implied restrictions. The Act of July 1, 1902, required the commission to prepare the way for the new Philippine Legislature, and declared that, after it was convened and organized, "all the legislative power heretofore conferred on the Philippine Commission *in that part of the islands not inhabited by Moros or other non-Christian tribes* shall be vested in a legislature consisting of two houses, the Philippine Commission and the Philippine Assembly." The effect was to carve out of the territory over which the commission then had general jurisdiction, certain parts thereof and to transfer to the newly created body the legislative power which had previously been exercised by the commission *within that particular territory.* The division of power was territorial, no direct reference being made to any subject-matter of legislation.

The commission continued as originally created, with the executive power transferred to the governor-general to be exercised in certain instances with the advice and consent of the commission, but deprived of that part of its legislative power which it had formerly exercised within the so-called Christian provinces. It retained all its original legislative power which had not been

transferred to the Philippine Legislature. The jurisdiction of the new legislature was limited to the part which had been carved out of the whole and that part was determined territorially and not according to subject-matter. The residuum of power remained with the original possessor of the entirety and when, for any reason, the legislature could not act because of want of power the legal right to act was reserved to the commission.

There are certain subjects of legislation which are incapable of division upon territorial lines. They are unit subjects. Laws relating to the currency and coinage, and the gold standard fund, which exists for the maintenance of the parity of the silver coinage with the gold standard necessarily affect the entire country. The care, custody, investment and handling of the gold standard fund was a proper subject of legislation but it had no relation to particular territory as determined by the presence or absence of either Christians or non-Christians. If the commission as a legislative body had no power to enact laws with reference to it then the legislature, as the legislative body for a certain defined territory, certainly had no power. Neither could the cooperation of two distinct legislative bodies increase the powers of either. The enactments of each body had to find their validity in the sources of their legislative authority. For illustration, as the legislature of a state in the Union has no power to enact a law regulating interstate commerce, the enactment of an identic law on the same subject by every state legislature in the Union would not legalize such an act. As in numbers, so in jurisdiction, nothing added to nothing *ad infinitum* produces nothing.

It was contended that the commission could not properly appropriate money for use in the non-Christian territory which had been raised in part by taxation within the territory under the jurisdiction of the legislature. But participation by the legislature in making appropriations for the non-Christian provinces would have been to extend its legislative power over such provinces in violation of the express provisions of the Act of Congress. If the commission could not appropriate money out of the insular

treasury which was created by Congress for the entire Archipelago, for use in the non-Christian provinces, it could not govern such provinces as Congress requires it to do. It was no answer to say that the commission as the upper house of the legislature could prevent an undue proportion of the money in the treasury from being appropriated for use in the Christian provinces leaving nothing for the territory under its control. It certainly could have done that, but the assembly could, by the same token, have prevented the appropriation of any money for the use of the non-Christian provinces. It would have been in the power of the assembly to stop the wheels of government unless the commission was willing, in the interests of peace and harmony, to accede to its demands. The result would have been a complete deadlock and necessarily an appeal to Congress. So long as the Filipinos were in a condition of pupilage it was proper and essential that the commission, as the real representative of American sovereignty and responsibility, should have the ultimate word on questions affecting that sovereignty.

In 1908 the commission was enlarged by the appointment of two additional Filipino members, thus leaving the Americans with but one majority. Under President Taft the Filipino members of the commission, with one exception, were members of the political party which was in favor of, and in sympathy with, present American control. But President Wilson promptly revised the entire commission and reconstituted the body with four American and five Filipino members, all of whom were openly opposed to American sovereignty and in favor of immediate independence.[17] As thus constituted, the commission was worse than useless for the purpose for which it was originally created and it was very properly abolished by the Philippine Government Law of 1916. The unfortunate loss of prestige by the commission began before Mr. Taft ceased to be president and was due, partly at least, to his disposition to regard the governor-general

[17] *The Report of the Philippine Commission for the Year*, 1915, is signed by Francis Burton Harrison, president, and Rafael Palma, Victorino Mapa, Jaime C. de Veyra, V. Ilustre and V. Singson Encarnacion, members.

as the government of the Philippines and the members of the commission as merely conveniences to have about when a divided responsibility was desired.

The powers of the governor-general during the commission régime were conferred in very general terms or left to be implied from the nature of the office. The executive order of July 1, 1901, directed that the president of the Philippine Commission, who was appointed civil governor, should exercise the executive authority in all civil affairs in the government theretofore exercised by the military government. The latter, as the representative of the president under his war powers, had been vested with *all the executive authority which was necessary for the government of the country while it was subject to military control.* This authority was to be exercised in conformity to the Instructions to the Philippine Commission of April 7, 1900, and subject to the approval and control of the secretary of war as the immediate representative of the president.[18]

The president of the commission was appointed civil governor and this practise was continued although there was no law which required the two positions to be filled by the same person.[19]

The Act of July 1, 1902, ratified the acts of the president in creating these offices with authority "to exercise the powers of government to the extent and in the manner and form set forth in the executive order of June 21, 1901"—that is, to exercise the powers previously vested in the military governor. Congress conferred no other powers upon the governor-general[20] until it

[18] This order, according to its strict terms, vested the executive power in the president of the commission as such and not in the civil governor. The latter was authorized merely to exercise the power to appoint, which had been vested in the commission and the military governor.

[19] The office of vice-governor was created by an executive order dated October 29, 1901. Subsequently Congress changed the title of the chief executive from civil governor to governor-general, but evidently by oversight left the title of vice-governor unchanged. Act of February 6, 1905, Sec. 8. Mr. Wright was the first to bear the title of governor-general. Mr. Taft was civil governor.

[20] By ratifying the act of the commission creating the four executive departments, Congress conferred general supervision over the heads of those departments on the governor-general and approved the powers which had already been conferred on the governor-general by the various acts of the commission.

passed the Philippine Government Law of 1916. His authority had therefore to be exercised in conformity with certain specific instructions of the president and subject to the approval and control of the secretary of war who, however, could confer no new powers.

The powers and duties which have been imposed by the local legislative bodies are exceedingly numerous and often inconsequential. His express approval is required of innumerable acts, ranging from those of the greatest importance to matters of pettiest detail. It became the common practise to insert in a proposed law to which there was reason to expect opposition in the assembly, a provision that it should not go into effect, or that something authorized thereby should not be done, without the express approval of the governor-general. Masses of unimportant details were thrown into the executive office where the approval of His Excellency was generally expressed by his secretary or a clerk.

Another practise which, while plausible on its face, was violative of the foundation principles of legislative law and procedure grew up in the legislature and produced unfortunate results in connection with the finances. Appropriations can only be legally made by the legislature, and the Organic Law provides that no money shall be expended except in pursuance of an appropriation previously made. When the Payne Tariff Law went into effect in 1909, it was feared that it might temporarily reduce the revenues of the Philippine government and thus interfere with the policy of internal improvement which was just being launched. If the revenues should fall off it would be necessary to retrench; if not, the work could proceed as planned. As a precautionary measure, there was attached to the Public Works Appropriation Bill a provision that certain money appropriated should not be expended until "released" by the governor-general. Fortunately, the tariff law did not appreciably reduce the revenues and the money thus appropriated was made available and expended. It was a proper enough thing to do in the face of an emergency, but thereafter the legislature continued to make all

sorts of appropriations with the proviso that the money should not be expended until released by the governor-general, thus transferring to the executive the power to appropriate as well as expend the public funds. The expenditure of an appropriation was already under the control of the executive. The money was in law appropriated regardless of the proviso and was no longer in the treasury and "not otherwise appropriated." The result was to confuse the legislature and the public and lead to the making of appropriations which would not otherwise have been made.

One result of this method of making appropriations was described by Mr. Warwick Greene, the director of public works: "We have been left in doubt even after the permanent improvements appropriations have been made because of the proviso that they were subject to release by the governor-general. These appropriations, in accordance with the intent of this provision, have been released only after it was fully assured that the revenues would provide ample funds. As a consequence the bureau is kept in doubt from month to month in any given year as to the exact funds that will be available for expenditure. It results that at times the organization of the bureau is too large for the work in hand, and at other times the work crowds on the bureau too fast and we find the organization too small to handle it to advantage. Our technical personnel are largely civil service employés, who can not be laid off when the work is slack, nor would it be desirable to do so. On the other hand, it is absolutely impossible to increase our technical personnel at short notice, as for the most part they must be secured from the United States, and are generally of little service to us until they have had at least six months' experience in the islands. Often, too, the bureau is comparatively idle during the part of the dry season when work can be most economically carried on; later, funds are made available and strong pressure is brought to bear on the bureau to start work at once, with the consequence that construction is often prolonged into the rainy season, and as a result the cost is increased."

It was desirable that the office of governor-general should

loom very large in the eyes of the public and that the prestige of the office should be maintained. But it was not necessary that the governor-general of the Philippines should be made more powerful and independent than the governor-general of India, who is required to exercise his power in connection with an executive council. In the beginning under military government the governor was in a very real sense the representative of the president of the United States and wielded an indefinite and almost despotic power. Mr. Taft, as civil governor and subsequently as secretary of war and president, gradually magnified the office and minimized the importance of the commission. He also seems in practise to have allowed the governor-general to appoint and remove the other members of the commission,[21] on the entirely erroneous theory, it is respectfully submitted, that the commissioners, although holding under independent appointments by the president, constituted the cabinet of the governor-general, thus delegating to the governor-general the power of appointment which Congress declared should be exercised by the president himself with the advice and consent of the Senate. A governor-general was thus in practise able to secure the removal from office, without notice and an opportunity to be heard, of members of the commission and heads of departments, on his mere representation that they differed from him on matters of public policy.[22] Had it been the intention of the law to vest this power in a governor-general it is probable that he would have been authorized to appoint the commissioners or at least the heads of the departments who served in an executive capacity under

[21] It seems that there was a good precedent for this, as President McKinley permitted Mr. Taft to select the other members of the first commission. Olcott's *Life of McKinley*, II, p. 178.

[22] There are certain things which inhere in our conceptions of justice, and one is that no man shall be condemned unheard. In a celebrated case Mr. Justice Fortesque, whose sense of justice seems to have been more highly developed than that of the president, said: "The laws of God and man both give a party an opportunity to make defense if he has any. I remember to have heard it observed by a very learned man upon such an action that even God himself did not pass sentence upon Adam before he was called on to make his defense. 'Adam,' says God, 'Where art thou? Hast thou not eaten of the tree whereof I commanded thee that thou should not eat?' And the same question was put to Eve also." Bentleys Case, 2 Ld. Raymond 1334.

him, and constituted his actual cabinet, as the president does at Washington. A commissioner with a portfolio received a salary in excess of that paid a member of the president's cabinet and it would seem to have been the intention that the president should select for the office a man of a type who would be expected and entitled to form and express an independent judgment upon public questions without fear of losing his position through secret representations conveyed to the ear of the president, that he was not working harmoniously with the governor-general. The president's theory of the relation between the commissioners and the governor-general tended to cultivate subserviency and to convert the holders of great offices into timid clerks. The secretary of a department and member of the cabinet was of course entirely subject to the orders of the governor-general as the chief executive, but as a commissioner with legislative duties only to perform he should have been regarded as entitled to exercise an independent judgment and act accordingly.

The prestige of office is an important factor in the East where the people are accustomed to see high officials vested with real personal power. It was necessary to vest great power in and impose great responsibility upon the governor-general but it was neither safe nor consistent with American theories of government to make an autocrat of him. And it was at least questionable policy to trust the success of the American experiment in colonial government to one man and then deprive him of the disinterested and independent advice of his associates.

Nevertheless, there were comparatively few instances in which the governors-general appointed by McKinley, Roosevelt and Taft abused their great powers to the injury of individuals.

Under the commission government the governor-general had no veto power but he was an active working member of both legislative bodies. Naturally his influence there was great and far-reaching. But it is probable that it was seriously damaged by the hand-to-hand contests with the politicians of the assembly with whom he was brought into close personal relations. The trading, dickering and dealing, which was rendered necessary

by the hostile or passive attitude of the assembly, might better have been left to any one other than the governor-general. Possibly such experiences in securing desirable legislation tended to cultivate a lack of reverence for the laws and a willingness to ignore them whenever possible.

The disposition of all executive officers to minimize the force of legislative restrictions on the expenditure of money was well illustrated in the Philippines where the executive has felt responsible for the making as well as the execution of the laws. It was always possible that there might be an energetic governor-general, with no knowledge of the law, little appreciation of government as a science, and a vaguely concealed contempt for an amateur legislative body which had the power and disposition to obstruct, who would be inclined to treat such restrictions with slight respect. Where there was room for the construction of a statute such an executive would jump at any theory, however attenuated, which would give him the greatest liberty of action.

The appropriation of money is the most important of all legislative powers, and Congress provided that in the Philippines no money should be expended except in pursuance of a legal appropriation. So long as the Philippine Commission was the sole legislative body, and the governor-general and the heads of the executive departments under him were members of and constituted a majority of that body, there was no difficulty in apportioning the revenues in a satisfactory manner. But the institution of the assembly injected a disturbing element into the situation. Congress realized that this body would be composed entirely of Filipinos who might attempt to enforce their wishes by refusing to make the appropriations necessary for the support of the government. To guard against such a contingency it provided that:

"If at the termination of any session the appropriations necessary for the support of government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes, shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may,

with the advice of the governor-general, make the payments necessary for the purposes aforesaid."

By the year 1911 the antagonism between the assembly and the commission had become so great that the former refused to concur in the appropriation bills and as the commission felt it necessary to adhere to its position, the current appropriation bill failed to pass. The effect was to continue automatically the appropriations which had been passed for the fiscal year ending June 30, 1911.

It would seem that the above quoted language of the Act of Congress could not well be misunderstood. In his speech at the opening of the first session of the Philippine Legislature in 1907, Secretary Taft said: "If there is not an agreement as to appropriations between the commission and the assembly, then the appropriations of the previous year will be continued."[23]

As Secretary Root[24] has said:

"The intention was to continue the former appropriation just as if the former appropriation bill had been re-enacted and there was no intention to put into the hands of the executive a gross sum equal to the gross appropriation, leaving him to appropriate it as he saw fit."

However, Governor-General Forbes had other views and assumed control over a sum of money equal to the gross amount

[23] Address at the opening of the first Philippine legislature. *Rept. Phil. Com.*, 1907, Pt. I, p. 224.

[24] On November 6, 1913, Senator Root wrote with reference to an opinion I prepared for the Insular-Auditor (printed in *Congressional Record*, February, 1913), "I have examined carefully the opinion which you rendered regarding the meaning and effect of the provision in the Philippine Act. . . . I can not very well dispossess myself of the intention that we had when the bill was drafted as I knew it. The intention was to continue the former appropriation just as if the former appropriation bill had been re-enacted and there was no intention to put into the hands of the executive a gross sum equal to the gross amount of the former appropriation, leaving him to appropriate it as he saw fit. I do not myself think that the language of the act expresses such an idea and I agree with the view which you state in your very clear and comprehensive opinion."

If there ever was any question as to this being the correct construction of the statute, it has been resolved by the Philippine Government Act of August 29, 1916. See *infra*, p. 439.

appropriated by the former appropriation bill and reapportioned and distributed it for the support of the government in such manner as he thought proper. As he subsequently stated, "*I exercised my will and judgment in the application of the $8,713,894.*" Incidentally he took advantage of the occasion to create over a hundred new offices to which he affixed such salaries as he thought proper.[25] It was without doubt a gross usurpation of legislative power. A complacent *nisi prius* judge in Porto Rico, *after holding that his court had no jurisdiction,* had expressed the opinion that the governor of Porto Rico had such power under a similar provision of the Act of Congress relating to that island. This was seized on as authority. The idea appealed to the governor-general because it enabled him to apportion the money free from legislative restriction. It also impressed certain of his subordinates who felt confident that their departments or bureaus would receive more favorable consideration by the governor-general than they had received by the legislature. Refusing to ask for the opinion of his constitutional legal adviser, the attorney-general, and with the approval of certain subordinates in the War Department, although against the advice of lawyers in his cabinet, the governor-general proceeded to rewrite the former appropriation bill into what he called his "Advice" to the treasurer, thus practically enacting a new appropriation bill according to his own ideas.

The motives which actuated the governor-general in this matter need not be questioned. He undoubtedly believed that he could take the $8,713,894 and use it to better advantage than could the legislature. But the result was very unfortunate for him and for his administration. The assembly passed a resolution of censure practically charging the misuse of public funds,

[25] After his action had been criticized the governor-general appointed a committee of three, of which the executive secretary was one, to study the legal question. This committee made the interesting discovery that the new jobs were *employments,* not *offices,* because offices could be created by the legislature only. Having been created, they must be something. The legislature only could create offices. They had not been created by the legislature; they must therefore be employments. Hence as they were merely employments they could be legally created by the governor-general.

which it cabled to Washington, thus further complicating the relations of the executive with the Filipino delegates. It was all important that the American officials who were assuming to train an undeveloped people in the art of government, should act in a spirit of strict legality. A strained construction of the law which resulted in the transfer of such important power of a legislative nature from the legislature to the chief executive, in violation of established principles of constitutional government, was certain to, and certainly did, leave a very bad impression.

In 1912 the legislature again failed to pass the appropriation bill for current expenses. The governor-general was then on leave of absence and acting Governor-General Gilbert prepared another appropriation bill under the title of "Advice" on the principles which had been applied by Governor-General Forbes. There never was any justification for these rather high-handed proceedings. They were unnecessary and did much to injure the administration and to induce Governor-General Forbes' rather peremptory removal from office by President Wilson.[26] Soon after Harrison became governor-general the legislature passed an

[26] Mr. Forbes was seriously ill for several months before he left the islands on leave and it is charitable to assume that his naturally good judgment was somewhat affected by his troubles. Shortly before retiring from office he issued and circulated an ill-advised pamphlet in defense of his administration. In it he attempted to throw the responsibility for his misconstruction of the Act of Congress relating to appropriations upon Secretary of War Dickinson.

The records show that on October 11, 1911, Governor-General Forbes called Secretaries Gilbert, Worcester, Araneta and Elliott together and requested their opinions as to whether he had the power to redistribute the amount of the previous appropriation bill. Had a ruling been made before that time by the secretary of war the question would have been closed. Mr. Forbes then produced the letter from the auditor written in response to his own request, to which he refers in his pamphlet. There was a difference of opinion among the secretaries and the question of asking for instructions from the secretary of war was fully considered. Mr. Forbes was then requested to ask for the opinion of the attorney-general, which he declined to do. On the following day the matter was submitted to Washington by cable and the chief of the Bureau of Insular Affairs (a general, not a lawyer) promptly replied that "the Porto Rico case governs." Judge Dickinson informs me that he has no recollection of advising the governor-general with reference to the construction of the provision, and as he ceased to be secretary of war several months before the question was raised at the consultation of October 11, it is reasonably certain that Mr. Forbes was mistaken.

appropriation bill appropriating $7,351,662.88 *"in compensation for the services of the insular government"* for the fiscal year ending December 31, 1914.[27] The inference from the peculiar language is that the assembly had by that time convinced itself that the insular government was its employee and that the laborer was worthy of his hire.

Very close relations existed between the office of the governor-general in charge of the private secretary, and later of the secretary to the governor-general, and the executive bureau. During the latter years of the commission régime the distinction between the two offices seems almost to have disappeared. The executive bureau had jurisdiction over matters relating to patents, copyrights and trade-marks and was charged with the care of the archives and records of the government, the custody of the Great Seal and, most important of all, with the general supervision of the provincial and municipal governments and their officers.

He also does the work which, in an independent government, falls to a foreign office. He conducts the correspondence with the secretary of war, and with foreign governments and foreign officers in connection with extradition and other matters in which the Philippine government is interested. Subject to the civil service law and the supervising power of the governor-general, the executive secretary controls the personnel of the government other than such as are appointed by the president of the United States. Because of his close relations with the governor-general the executive secretary is always one of the most important subordinate officers of the government. He is also in closer personal touch with the Filipino officials and employees than any other insular officer and during the decade preceding the advent of the Harrison administration the executive secretary was largely responsible for the nature of the relations which existed between the Filipinos and the administration. He was the faithful, efficient eliminator of friction and adjuster of difficulties of a personal nature. It is very probable that but for the tact and knowledge of native character possessed by Executive Secretary

[27] Act No. 2319.

Carpenter the assembly and the commission would more frequently have been in a condition of deadlock.

The insular auditor and the insular treasurer were appointed by the president with the approval of the commission and through these officers the secretary of war was supposed to exercise an independent control over the finances. In the case of the treasurer it amounted to little, as his powers were mostly ministerial and were exercised under the direction of the secretary of finance and justice who was responsible to the governor-general. The office of treasurer has been well administered.

The insular auditor was, by the Act of Congress, given final jurisdiction over all matters of accounting and his decisions thereon were made final and conclusive. He corresponded freely with the secretary of war to whom he was required to make frequent reports on financial conditions. In addition to control over the accounting system the auditor had the power of a comptroller of the treasury. However, the independence of the auditor was in practise largely a matter of theory. As the head of the Bureau of Audits he was subject to the general control of the governor-general and when any serious controversy arose between the auditor and the governor-general Washington generally sustained the latter. One auditor who clashed with the chief executive was removed from office and his successor who criticized the financial policy of Governor-General Forbes was effectively suppressed by the action of the president in practically delegating the power of removal to the governor-general, upon whose actions the auditor was by law required to exercise a check. It is needless to say that thereafter the particular auditor felt no independent responsibility for the financial conditions. Of course the auditor was generally unpopular with the other officers of the government with whose operations his duties required him frequently to interfere.

It has been said that "the mysteries of accounting, like the mysteries of religion, must be handled by the uninitiated with reverence." With all due and proper reverence it may be recorded that while the accounting system of the Bureau of Audits

was praised by the experts it was frequently damned by those who were seeking accurate information as to the condition of appropriations in which they were interested. The system was so scientifically perfect that at one time accounting threatened to become the principal occupation of the government.

It was entirely proper for Congress to provide for Filipino resident commissioners at Washington. It is doubtful, however, whether it fully realized that it was establishing quite so efficient an agency through which the assembly and the anti-expansionists in the United States could accelerate the independence movement and throw the insular government machine out of gear. The politically disaffected Filipinos were thus enabled to maintain their own agents at Washington. As it has worked out, Aguinaldo might as well have been accorded the right to maintain diplomatic representatives near the American government. The delegates were accepted as *quasi* members of the House of Representatives and from that position were able to set fires in the rear of the Americans and Filipinos whom the president and Senate had selected and made responsible for the success of the local administration. Although elected by the Philippine Legislature they had little if any real connection with the insular government. They represented the dominant party in the assembly, which was always antagonistic to the commission and to the American government, the opposition in the Philippines and the anti-imperialist element in the United States. It is probable that Mr. Quezon had as many articulate constituents in New England as in the Philippines and he represented them all with great skill and ability. The Organic Law required that each house of the legislature should designate a resident commissioner but that both commissioners should be elected by the two houses. With the growing confidence in its power which came to the assembly, it soon claimed the right to select both commissioners on the theory that they were to represent not the insular government but the Filipino people and that the assembly was the special guardian of the interests of the people. But for the intervention of President Taft it is probable that this claim would have been conceded by the commission, and

Señor Legarda, one of the sincerest friends the Americans ever had, sacrificed to the exigencies of some imaginary political necessity. The deadlock which resulted was broken by Congress by a joint resolution extending the terms of the incumbents until their successors should be elected.[28]

The institution of the assembly and the division of the legislative power greatly increased the difficulties of administration. Nevertheless, for a time the commission and the assembly managed to get along together fairly well. While the delegates to the assembly were familiarizing themselves with their duties the two bodies worked in harmony, but as the assembly gained confidence in its own powers it began to assert itself until it finally claimed the right to the final word on all matters which were supposed to affect the Filipino people.

The laws enacted by the Philippine Legislature compare very favorably with those of the average state legislature, but the encomiums which have been so freely passed on it take no account of the existence of an upper house or of the influence and work of the American members of the commission. The legislative work of the assembly was subject to constant supervision and direction without which many foolish bills would have become laws. Some at least of the best statutes for which the assembly has been given credit were prepared for introduction into the assembly by the American commissioners or by American lawyers in the attorney-general's office. It must not be forgotten that, regardless of the forms, the assembly, like the entire Filipino element, was in a state of pupilage. It was in training.

Although the commission was one of the independent chambers of the legislature it really acted as a sort of advisory body shaping legislation and as far as possible keeping the legislature out of trouble. The assembly held its public sessions in the marble hall of the Ayuntamiento and devoted much time to speech-making and the other ornamental parts of legislative work. The commis-

[28] The assembly published a pamphlet in which the arguments in favor of its views were elaborated. See *Elección de Comisionados Residentes en los Estados Unidos,* etc. (Manila, 1911).

sion met behind closed doors in the office of the governor-general and the public was admitted only when hearings were had on certain proposed measures. Although laws were passed according to the usual legislative procedure, its sessions were rather consultative than deliberative. No speeches were ever made in the commission. The *Diario de Sesiones* contained the proceedings of the assembly only. It was as though the *Congressional Record* should contain nothing of what occurred in the Senate.[29] The legislative meetings of the commission were very informal. Prior to 1911, when a large table was installed, the commissioners occupied primitive rocking chairs which were drawn up in an intimate fashion about the governor-general's desk.

Great deference was always shown the assembly and all its constituent elements. It was part of the general policy. The office of speaker was magnified out of all proportion to the importance of its functions. Mr. Taft when secretary of war described the speaker as the second person in rank in the islands to the great disgust of the vice-governor and the major-general commanding the army, and their respective ladies. The speaker was given the permanent use of the spacious and ornate room in the Ayuntamiento formerly occupied by the Spanish governors-general while the American governor-general occupied modest offices elsewhere in the crowded building. For presiding over the lower house of the legislature during ninety days in each year the speaker was paid an annual salary of eight thousand dollars and given control of a large contingent fund which he might use for purely political purposes. The appropriations asked by the assembly for its own use were freely passed by the commission. A committee of the legislature, the members of which were appointed by the speaker and who received fifteen dollars per day, were authorized to sit while the legislature was not in session, for the purpose of considering desirable legislation. Although it was a form of graft, the commission joined in appropriating the money because the situation was beyond its control and it did not deem it policy to quarrel with the assembly.

[29] An outline of the proceedings of the commission was published annually under the name of *The Journal of the Commission.*

After an equal power in legislation had been granted to the Filipinos it was absolutely necessary to get along with them and the only way to get legislation and keep the governmental machine going was to cater to their wishes. During the later years of the Forbes administration legislation became largely a matter of private arrangement between the governor-general and the speaker. The governor-general was, of course, anxious to secure the passage of necessary laws. Mr. Osmeña, the speaker and leader of his political party, was greatly interested in his party and his own position and in legislation which would bring nearer the day of independence. He generally maneuvered so that every important law, or the conditions of its enactment, was in some subtle way made to strengthen native influence in the government. The influence exercised by Osmeña was often insidious but none the less real and effective. The Filipinos regarded him as the real head of the government. The situation was very difficult and probably the governor-general can not properly be criticized for showing excessive deference to the speaker and his party. It was necessary in order to secure legislation which was required to carry out the policy of the administration.

It will be apparent to the most casual reader that after the institution of the assembly the government was not an easy one to administer. It was complicated by conflicting legal theories and impeded by diverse racial interests. The American administrators were charged with the duty of satisfying the political aspirations of the Filipinos *to a certain indefinite point only.* It was an impossible task; the balance was too delicately adjusted. The grant of either more or less power to the Filipinos would have made the work easier. After giving due consideration to the peculiar conditions which existed from the institution of the assembly to the end of the Forbes administration the student of Philippine affairs must admit that the government was administered with sincere regard for the interests of the Filipinos and the credit of the United States. The results, other than possibly the political ones, were all to the credit of the American government and the Filipinos who worked in harmony with it.

The administrative organism never hardened into a bureaucracy although it had some of the faults and also the virtues of a bureaucratic government. The civil service lacked the education, special training and *esprit de corps* which makes that of India so remarkably efficient. The policy which required the constant weeding out of Americans after they had been trained for the service to make places for qualified or potentially qualified Filipinos necessarily affected the efficiency of the service. It was the price paid for the popular government which is supposed to furnish compensation in other forms.

The fifteen years of commission government were experimental but constructive. The officials, from the governor-general to the lowest clerk had to be trained for the special work in hand. Certain tendencies very soon became apparent and persistent throughout the period under consideration. It was inevitable that the power of the executive should steadily grow. The commission gradually declined in importance until during the years immediately preceding its abolition by Congress it was without any real authority. Filipino influence in the legislature increased steadily until during the latter part of the Forbes administration the assembly was boldly withholding the necessary appropriations for the support of the government and asserting the overlordship in the government which was finally conceded to it by the administration of Governor-General Harrison.

CHAPTER VII

Finance, Taxation and Trade

The General Financial Policy—Control by Local Government—Taxation Reasonable—Financial Embarrassment—Caused by Public Improvements—Present Conditions—Bonded Indebtedness—Income and Expenditure—The Currency and Coinage—The Gold Standard—The Fund to Maintain Parity—Sources of Revenue—The Customs—Illustration of Duties—The Internal Revenue—Sources of—The *Cedula,* Stamp and Privilege Taxes—Business and Occupation Taxes—Specific Taxes—Revenues of Provinces and Municipalities—The City of Manila—Gross Earnings and Franchise Taxes—Trade Development.

The financial policy of the Philippine government has been a very simple one. The country was taken over from Spain free from debt. There was no occasion for complicated refunding operations or for heavy taxes to pay for the extravagance of former rulers. The United States imposes no taxes for its benefit on the Filipinos and receives no financial return for the services rendered in supervising the government and protecting the country. Subject to the reserve power of Congress to annul laws, and the approval of the president of tariff legislation, the local government is free to impose taxes other than that on incomes, and to expend the proceeds thereof in the ways deemed by it most for the advantage of the people of the islands. During its time the commission was required to report annually to the secretary of war who thus, and through the reports of the auditor, was able to keep informed as to the condition of the finances.[1]

Congress has legislated directly with reference to certain matters, such as export and import duties and the coinage and cur-

[1] The statement in Hepburn's *History of the Currency of the United States,* p. 471, that the fiscal affairs of the Philippines are administered by the United States is true only in a very general sense. They are administered by the government of the Philippines under the authority of Congress, the executive only being subject to the direct supervision of the secretary of war as the representative of the president.

rency, but ordinarily it has in general terms simply authorized the government of the Philippines to exercise certain powers subject in some cases to definite limitations but generally in the manner deemed by it proper and advisable. With these exceptions the local government has been left practically free to determine its financial policy.

Congress has refused to authorize the issue of bonds on a large scale for public works, as recommended by the commission and in this it has probably shown a wise although extreme conservatism. In a financial sense the United States has not been so liberal with the Philippines as other countries have been with their colonies,[2] and by refusing to trust the judgment of the men on the ground it has imposed the entire burden of constructing necessary public works upon the present generation.[3]

The revenues of the central and local governments have been raised without unreasonable taxation and the money has been expended honestly and for purposes deemed necessary and proper. Whether the finances have always been handled with skill as well as honesty is a question on which there may be a difference of opinion.

The controlling idea has been to raise as much money as possible without imposing an excessive burden of taxation, to conduct the government as economically as is consistent with reasonable efficiency, to maintain the necessary sinking funds and expend the annual balance on education and public works. In the absence of extensive borrowing the development of the country has necessarily been measured by the amount of its current income and that income is determined by the business of the islands.

[2] As, for instance, Great Britain in South Africa.

[3] The Philippine Government Law of 1916 authorized the issue of additional bonds. General McIntyre's suggestion (*Special Report*, Dec. 1, 1915) that, had the local government possessed greater borrowing powers, it could not have withstood the temptation to contract excessive debts for public works, ignores the fact that it could issue no bonds without the approval of the secretary of war, who represents the president, and under legislation which may be annulled by Congress. It should not be forgotten that every important action of the Philippine government is approved by Washington. The daily cablegram from Washington arrives as regularly at Manila as the morning paper.

The government has therefore striven by every means under its control to increase the volume of trade and business.

Tariff duties have been imposed for the purpose of revenue without much reference to protection for infant industries, and the skill or want of skill of the administrators has been shown principally in the methods and purposes of expenditure. Naturally in this respect there have been illustrations of extreme conservatism and iridescent optimism—the personal equation. During recent years there has been criticism, much of it of a partisan character, of the way in which the finances were handled during the latter years of the Taft régime. Undoubtedly mistakes have been made in the Philippines as well as at Washington and in the states, and some money has been wasted, but the most serious mistakes were recognized and the remedy applied during the closing years of the administration of Governor-General Forbes. If there ever was a "headlong rush of the insular government toward bankruptcy" as was alleged by Governor-General Harrison,[4] it was checked during the spring of 1912, a year before Mr. Harrison assumed office, when effective measures were taken to place the government again in sound financial condition.

It is a fact that from 1909 to 1913 there was an annual excess of expenditure over income. As the chief of the Bureau of Insular Affairs very justly says: "Unless one has clearly in mind the very large portion of expenditure . . . that has been made for permanent public improvements one would get the impression that since the end of the fiscal year 1910 the financial condition of the Philippine government had grown steadily worse." However, he adds: "If one gives proper value to the public works constructed and now in beneficial use, the resulting condition becomes one of only temporary difficulty, to be justified or not according to one's judgment of the timeliness or value of the work accomplished."[5]

Governor-General Forbes and the commission came to a real-

[4] *Message* of Oct. 16, 1915. *Cong. Rec.*, June 4, 1916.

[5] *Special Report of Brig.-Gen. Frank McIntyre to the Secretary of War*, Dec. 1, 1915.

izing sense of the fact that in their zeal for the development of the country they were traveling more rapidly than conditions justified and a halt was called. Fully a year before the change of administration numerous economies were instituted, construction work was largely suspended, and the government entered upon a period of waiting which was to continue until the accumulating revenues would justify further expenditure. The policy thus instituted was continued by Governor-General Harrison and as a result he was able to inform the legislature at the opening of the October, 1915, session, that by the exercise of patience and self-denial the treasury had been placed on a sound financial basis and that at the end of the year there would be an actual cash balance on hand. His reference to the "overwhelming burden of expenditure raised by carelessness and extravagance" during the administration of Mr. Forbes may be attributed to the spirit of partisanship which had been injected into the Philippine situation.

Whatever one may think of Governor-General Forbes' administration of Philippine finances, it is absurd to charge that its effect was to impose an "overwhelming burden of expenditure" on the country. Taxation was not increased during his administration and no floating debt was created. The mere suspension for a time of the operations of the Bureau of Public Works while funds to cover the over appropriations accumulated in the treasury, was sufficient to restore normal conditions.

In the meantime the roads, bridges, harbors and markets were in beneficial use. At most, as General McIntyre says, if the work was valuable, and as to that there can be no serious question, the only question is as to the timeliness of the construction and as to that men may entertain different opinions.

A great deal more money was wasted on ill-advised public works during the first few years of American occupation than during the Forbes administration. But Governors-General Taft, Wright, Ide and Smith were careful to see that there was a reasonable surplus in the treasury at the end of each fiscal year. Mr. Forbes was a financier of a well-known type rather than a states-

man, and large figures, even in the form of threatened deficits, seemed to have no terror for him. He had the entire confidence of the president, who apparently closed his ears to all suggestions that the financial machinery was being operated at too great a speed, and the policy was continued until the administration found itself facing a crisis.

Mr. Forbes became acting governor-general May 7, 1909, and in his report to the commission for the fiscal year ending June 30, 1909, he said: "The insular government began the year with $1,745,500 available for appropriation. There was an additional surplus of $4,368,000, which had been appropriated but not yet spent."[6]

On June 30, 1910, the surplus stood at $1,935,229.26, and in his report for that year the governor-general, after noting the fact, said: "As $2,000,000 is the reserve which it is estimated should be held in the insular treasury against contingencies, it will be seen that the present figures are eminently satisfactory and prove that the treasury is in a safe financial condition."[7] Although there was no decrease in revenue and the proceeds of the sale of $1,500,000 of bonds had been paid into the treasury, the surplus on June 30, 1911, had fallen to $223,666.18, and on June 30, 1912, there would have been a deficit of nearly $2,000,000 had not certain appropriations been reverted and $1,698,513.82 been taken from the gold standard fund and placed in the general fund available for appropriations. But it must be remembered that this situation had been created solely by the large appropriations for public works and that a large part of the money had been appropriated by the legislature with a proviso that it should not be expended until released by the governor-general. This very objectionable method of making appropriations which originated at the time of the passage of the Payne Tariff Law was found so convenient for executive purposes that it was continued in all future public works bills with the evil result that the legislature became willing to appropriate almost any amount asked for on thus being

[6] *Rept. Phil. Com.*, 1909, p. 57.
[7] *Rept. Phil. Com.*, 1910, p. 24.

assured that the money would not be spent unless it was there to spend. The appropriations became excessive and the surplus and a part of the gold standard fund was used up but no indebtedness in excess of the money in the treasury was ever actually contracted. These financial methods which might have been perfectly proper in dealing with a private business were dubious ones for a government and would have led to serious trouble had not a halt been called. What criticism is due must be shared by the secretary of war and the president, who were fully informed and approved all that was done and also by Congress which approved the legislation by not annulling it when submitted for its action.[8]

The Philippine government seems to have been placed again in sound financial condition by the simple expedient of increasing direct taxation. Mr. Harrison became governor-general, with a majority of Filipino members in both houses of the legislature, in September, 1913. The net income of the insular government for the fiscal year ending June 30, 1914, was approximately $10,400,000 and it received from the liquidation of assets an additional $1,000,000, making a total of $11,400,000. The expenses of operation for that year were approximately $8,000,000 which, with the $800,000 fixed charges, makes a total of $8,800,000 expended for the operation and support of the government. On the face of these figures there was an excess of revenue of $2,700,000. But during the year $1,300,000 was expended for permanent improvements and $2,700,000 was given in aid to the provincial and municipal governments, with the result of a deficit of $1,400,000.

The revenue from customs dues fell from $8,908,123.64 for the fiscal year ending June 30, 1912, to $7,774,944.74 for the year ending June 30, 1913. This was the last year of the Forbes

[8] In the report of the secretary of war for 1913 Secretary Garrison said that the plan of public works pursued contemplated a grant of authority to issue additional bonds and the receipt of funds as a consequence thereof, and that "very largely as a result of this the available cash balance for general purposes in the Philippine treasury was, at the end of the fiscal year 1913, somewhat lower than it had been in any year since 1905." It is a mistake to assume that the expectation of a bond issue had any influence on the appropriations.

administration *and a year before the European war commenced.* The fixed charges had been reduced from $1,389,931.47 during 1912 to $654,473.93 in 1913. Governor-General Harrison saved a few thousand dollars by reducing the salaries and discharging American employees but the difference between the receipts and demands was too great to be met by such methods. It was a choice between restricting the construction of public work, stopping the constant flow of money from the insular to the provincial and municipal treasuries, or increasing direct taxation.

The pressure from the local governments for financial aid is very great and rather than withstand it the administration elected to impose additional taxes. During the session of 1914-15 the legislature passed a new internal revenue bill which greatly increased the burden of direct taxation. By its terms this law was to continue in force only until the end of the calendar year 1915, but the policy thus adopted required that the increase should be made permanent, and this was done by a revised internal revenue law which was passed early in the year 1916.

So far as bonded indebtedness is concerned, the islands are in good condition. At the present time the insular government has outstanding the following bonds:

	Amount	Redeemable	Due
Land-purchase bonds, 4%	$7,000,000	1914	1934
Public works and improvement bonds, 4%	2,500,000	1915	1935
Public works and improvement bonds, 4%	1,000,000	1916	1936
Public works and improvement bonds, 4%	1,500,000	1919	1939
Total	$12,000,000[9]		

An additional four million dollars of bonds are now being offered for sale under authority given by the Philippine Government Law of 1916, to provide funds to pay for the stock of a railway company—which needs the money.

The friar land bonds are supposed to be provided for by the sale of the land upon which they are in effect a lien.

[9] There is also the contingent liability for the interest on the bonds issued by the Philippine Railway Company and the Manila Railroad Company and the practical assumption of about $10,000,000 of the bonds of the latter company involved in the proposed purchase of the road.

The provinces and municipalities, other than Manila and Cebu, have no bonded indebtedness. Manila has outstanding four per cent. sewer and water-works bonds amounting to $3,000,000; Cebu, $125,000 of bonds of the same character. All other debts of provinces and municipalities are owing to the insular government. The total debts of the provincial governments of this character amount to approximately $2,000,000. The total provincial revenues are about $2,500,000 and those of the municipalities, including townships and settlements, $3,755,000. The revenues of the city of Manila amount to approximately $1,500,000, which is supplemented by contributions from the insular government which may not exceed $625,000 a year. The total amount of taxes collected in the islands is approximately $18,000,000.[10]

The table on the opposite page shows the receipts and disbursements of the insular government for each year since 1906.

The condition of the circulating medium for some time after the occupation probably justified the statement that

"all the artificial eccentricities of the place and people are concentrated in the currency. It was bad enough in the old days, and it seemed that it could not be worse, but now, for our sins, we are given practical proof that it could be worse, for it is. Under the Spanish rule Philippine currency was an extremely mixed-up affair, so mixed up that it constituted the study of a lifetime, and various people who devoted their lives to the study of it used to make money out of it at the expense of the people whose time was otherwise occupied. Sometimes a peso was a peso, and sometimes it was a problem in fractional equations; sometimes a Filipino dollar was a Mexican, and sometimes a Spanish dollar was a Filipino; sometimes there was a gold currency without any gold, but at all times and under all circumstances the banks, exchange brokers, and a few clever Chinese and others, managed to juggle with the fluctuations in change and currency legislation so as to score always."[11]

[10] For the amounts collected and expended during the latter years of the Spanish rule, see Elliott, *The Philippines: To the End of the Military Régime*, pp. 266-269.

[11] From an article in the *Manila Times*, sent by Secretary Gage to Secretary Root, July 27, 1899. Extracts from this article and correspondence

INSULAR RECEIPTS AND DISBURSEMENTS—PHILIPPINE ISLANDS

Expressed in United States Currency—Value

	Fiscal Year Ending June 30, 1906	Fiscal Year Ending June 30, 1907	Fiscal Year Ending June 30, 1908	Fiscal Year Ending June 30, 1909	Fiscal Year Ending June 30, 1910	Fiscal Year Ending June 30, 1911	Fiscal Year Ending June 30, 1912	Fiscal Year Ending June 30, 1913	Six Months Ending Dec. 31, 1913	Fiscal Year Ending Dec. 31, 1914	Fiscal Year Ending Dec. 31, 1915
CREDITS											
Balance from prior years*	$1,764,246.89	$3,035,002.42	$5,578,023.45	$6,114,842.58	$5,857,642.08	$6,394,793.56	$8,239,312.93	$8,343,240.69	$7,115,110.11	$4,982,994.90	$4,259,027.92
Revenues:											
Customs	$7,419,826.93	$8,296,223.64	$8,017,891.80	$8,569,507.37	$7,854,887.83	$8,272,397.78	$8,908,123.64	$7,774,944.74	$3,166,754.55	$5,422,481.79	$6,072,544.58
Internal	2,565,395.36	2,684,574.62	2,458,915.94	2,372,333.33	3,603,705.93	4,134,876.06	4,729,710.67	5,044,231.47	2,240,491.06	4,881,904.40	6,926,367.67
Miscellaneous	264,417.09	411,459.02	422,453.70	427,892.87	431,952.86	315,486.38	287,488.56	225,755.09	91,616.35	245,665.64	481,436.40
Surplus, Gold Standard Fund							1,698,513.82	444,769.02	285,077.18	430,619.19	425,594.69
Total Revenues	$10,249,639.38	$11,392,257.28	$10,899,261.44	$11,369,733.57	$11,890,546.62	$12,722,760.22	$15,623,836.69	$13,489,700.32	$5,783,939.14	$10,980,671.02	$13,905,943.34
Other Receipts		246,568.95	758,537.33	239,126.44	620,039.79	54,887.62					
Transfers from Sinking Funds										791,376.29	370,020.41
Supplies Brought Into Account						2,755,431.08		27,370.10	2,042.39	34,612.64	64,451.07
Total Credits	$12,013,886.27	$14,673,828.65	$17,235,822.22	$17,723,702.59	$18,368,228.49	$21,927,872.48	$23,863,149.62	$21,860,311.11	$12,901,091.64	$16,789,654.85	$18,599,442.74
DEBITS											
Expenditures:											
Bureaus and Offices	$6,173,728.47	$5,523,257.96	$7,553,883.39	$7,092,642.08	$8,279,943.22	$8,318,051.56	$9,638,369.80	$9,576,538.83	$5,361,823.46	$8,612,162.79	$8,229,174.51
Miscellaneous					899,334.37	718,232.32	381,496.15	487,015.72	195,553.62	507,909.09	468,736.14
Fixed Charges	1,027,312.87	1,065,059.97	1,105,222.76	1,067,078.93	1,278,469.06	1,609,399.01	1,389,931.47	654,373.93	383,567.16	829,550.71	856,188.49
Aid to Provinces and Municipalities	789,408.07	1,064,874.50	849,986.22	108,712.07	109,926.12	143,299.50	144,655.00	842,436.72	414,961.36	1,050,375.21	1,487,712.08
Equipment and Supplies	806,353.77	882,792.79	539,784.57	1,087,051.34							
Public Works	182,080.67	302,215.32	634,182.24	2,110,917.97	1,405,762.16	2,899,577.16	3,338,963.85	3,184,835.80	1,562,191.14	1,530,629.13	2,440,573.14
Loans and Investments		89,250.00	74,095.00	89,407.50							
All Other		168,354.66	363,825.46	310,250.62							
Total Expenditures	$8,978,883.85	$9,095,805.20	$11,120,979.64	$11,866,060.51	$11,973,434.93	$13,688,559.55	$14,893,416.27	$14,745,201.00	$7,918,096.74	$12,530,626.93	$13,482,384.36
Supplies Transferred and Dropped							626,492.66				
Surplus:	3,035,002.42	5,578,023.45	6,114,842.58	5,857,642.08							
Cash					5,224,149.68	3,933,338.69	3,793,632.00	3,178,198.84	1,699,760.53	308,491.40	1,249,688.02
Supplies						2,755,431.08	2,657,344.03	2,611,476.19	2,787,760.94	2,603,246.27	2,762,054.70
Other					1,170,643.88	1,550,543.16	1,892,264.66	1,325,435.08	495,473.43	1,347,290.25	1,105,315.66
Total Debits	$12,013,886.27	$14,673,828.65	$17,235,822.22	$17,723,702.59	$18,368,228.49	$21,927,872.48	$23,863,149.62	$21,860,311.11	$12,901,091.64	$16,789,654.85	$18,599,442.74

*It should be noted that these credit balances do not mean money available for appropriation.

The task of finding a remedy was rendered peculiarly difficult by the proximity of the islands to China and the other Oriental countries which were on a silver basis.

Prior to 1857 the Philippine government had no currency of its own; that in use being brought from Spain, Mexico, the South American republics and the near-by countries of Asia. All sorts of coins were in use. The official accounts were kept in pesos, reales, quartos, ounces, grams or maravades, at the will of the accountants. In 1861 a mint was established at Manila and for a time gold and silver coins were abundant, but under the law of 1876 it soon became profitable to exchange Mexican dollars for gold, and by 1884 the latter had all disappeared.

At the time of the American occupation the money in use was principally the Mexican silver dollar supplemented by the Spanish-Filipino peso, silver and paper, and fractional silver and copper coins. As the local banks, Spanish and English, were inclined to adopt an extremely selfish policy, both the Schurman and Taft Commissions recommended the establishment of American banks, which would be more in sympathy with American ways of doing business.[12]

For some years the importing of Mexican currency had been unlawful, although it had constantly been done with the connivance of the officials. The influx of American money and the presentation of sterling letters of exchange for which Mexican dollars were demanded, required more of this currency and on August 19, 1898, the request of the banks for permission to import Mexican dollars was granted by the military governor on their specific agreement to maintain a rate of exchange of not less than two Mexican dollars for one gold dollar.

between the officials in Manila and Washington are printed in a pamphlet entitled *Memorandum on Currency and Exchange in the Philippines,* by Lieutenant-Colonel Clarence R. Edwards, Washington, 1900.

[12] "It is the opinion of the commission that the banks have not co-operated to the extent that they legally and morally ought to have done in maintaining a ratio of 2 to 1, in pursuance of the guaranty of August 19, 1898, and that their refusal to receive deposits in United States money subject to check is a direct discrimination against United States money and has been one of the effective causes of the difficulty of the situation." *Rept. Phil. Com.,* 1901, p. 106.

Under this agreement the banks imported Mexican currency and exchanged it for American money, or the reverse, with a good profit for each exchange. Until some time in July of that year the market price of silver had been such that the banks could maintain their guaranty and make a profit on the transactions, but a rise in the price of silver in the markets of the world and the increased demand for Mexican dollars for the payment of troops and the purchase of supplies due to the military operations in northern China, rendered these banking operations unprofitable. Thereupon the banks, regardless of their agreement, established a rate of one dollar and ninety-eight cents Mexican for one dollar American money. Learning thus that it was possible for American money to fall in value the small traders cut it as low as one dollar and fifty cents Mexican and business was greatly disturbed.

The banks now proposed to introduce the Straits dollar, but fortunately this was forbidden by the government, as the effect would have been to allow them to deposit it in their vaults in place of the four million dollars Mexican they held for the government, and export the latter to China at a large profit to themselves.

To relieve the situation the military governor directed the collectors of the customs and internal revenue to receive United States currency in payment of customs dues and taxes at the rate of two to one. An agreement was also made with the banks in which the government deposits were kept by which they were to purchase from the public over the counter United States gold, silver and notes at the rate of two for one, and upon their rendering weekly to the treasurer a statement of the amount of such transactions, the later would transfer an equivalent amount from the insular currency to the balance held by the United States treasurer in his gold deposit account, at the same rate. This arrangement enabled the public to obtain at the banks two Mexican dollars for one American dollar and as a result American money was freely accepted in business transactions. However, this was merely a temporary expedient, as the government's balance in Mexican money was certain soon to be exhausted and it could be

maintained only by purchasing and importing Mexican dollars at a loss.

In order to increase its use the appropriations were made in and all salaries were made payable in American money, and an export tax of ten per cent. imposed on Mexican silver effectually prevented the banks from sending the government silver to China.

The policy of the local banks is illustrated by their requirement that all deposits should be made and all checks drawn on them in Mexican currency. When a large check was drawn by a government official on a government gold deposit the person receiving the check had first to exchange it for Mexican money at the market price, or exchange the gold realized upon the check for Mexican money from the government's deposit. In practise, of course, the holder of a check would obtain the silver from the government deposit and then deposit it in the bank to his individual credit and the Mexican money would thus never leave the bank.

Soon after the legislative power was vested in the commission a law was passed which required the local banks to receive deposits in United States money subject to check, on the same terms as those accorded to deposits of Mexican money.[13]

These various expedients and the fall in the price of silver due to the decreased demand in China, resulted in a large accumulation of silver and Mexican currency in the government deposit. As there was now no inducement to export silver, the ten per cent. export tax was repealed. After August, 1900, Mexican and United States money was maintained at two to one, although the government continued to sustain a loss by receiving the taxes in local currency at that rate when intrinsically the Mexican money was worth 2.02 or 2.04 to 1.

As long as the principal currency of the islands was Mexican

[13] The banks protested against this law to the secretary of war, but the action of the commission was approved as a proper regulation of banking institutions. It simply deprived them of a kind of profit which it was unjust for them to reap, in view of the fact that they were getting it by a discrimination against the money of the sovereign power in the islands.

money the ratio of exchange would be subject to constant fluctuation due to the changing market value of silver and the demands of the near-by Chinese markets. An entire new currency for the country was necessary. In 1902 Congress authorized the Philippine government to establish a mint and to issue a coin of the denomination of fifty centavos of a weight of 192.9 grains, a coin of the denomination of twenty centavos and weight of 77.16 grains and a coin of the denomination of ten centavos and weight of 38.58 grains, the standard to be such that of 1,000 parts by weight 900 would be pure metal and 100 of copper alloy.[14]

The amount of this subsidiary silver currency to be coined from silver bullion to be purchased was left to the discretion of the government subject to the approval of the secretary of war. The Spanish-Filipino dollars and subsidiary silver coins might be re-coined at discretion. Authority was also given to issue minor coins of denomination of one-half centavo, one centavo and five centavos of designated weight and alloy.[15]

It was generally agreed that the introduction of American gold currency as the exclusive money of the Philippines would produce serious disturbances in prices and wages, and the experts and almost all the local business men concurred in the opinion that it would be injurious to business to place the country immediately upon a gold basis. After a careful study of the situation the commission recommended that a definite relation should be fixed by law between the standard silver coins of the country and the United States gold dollar. The plan, which was similar to that which had been successful in Japan, and India, involved the adoption as the standard of value of a theoretical gold peso of the value of a half United States dollar, and the coinage of a silver Philippine peso containing a smaller percentage of silver than the Mexican dollar, which would pass as the equivalent of fifty cents United States money. The shortage of silver in the peso would not be sufficient to encourage its export, and its con-

[14] The Act of March 2, 1903, changed the weight of the 50 centavo coin to 208 grains, the 20 centavo coin to 83.1 grains and the 10 centavo coin to 41.55 grains.

[15] Act of July 1, 1902, 32 Stat. L., 710.

vertibility into American money at uniform fixed rates would insure its becoming the ordinary currency for business purposes. It was believed that all the benefits of a gold standard could thus be secured without any sudden shock to business.[16]

The Act of Congress which authorized the coinage of subsidiary and minor coins for the use of the Philippines provided no standard unit and did not make it clear whether such coins should be legal tender in large amounts.[17] If after the new authorized coins were issued Congress should make the Philippine peso equal in value to fifty cents gold, they would have greater value than if Congress should declare them to be only fractional parts of a free silver peso coined under free coinage principles, or of the Mexican peso in general circulation. The Manila banks were of the opinion that the coins would be fractional parts of a peso worth fifty cents gold and were ready to accept and hoard them. In view of the uncertainty the commission decided to coin no money until Congress should establish a unit of value.

This was done by the Act of March 3, 1903,[18] which provided that the unit of value in the Philippines should be a gold peso consisting of 12.90 grains of gold, .90 fine and that this peso should become the unit of value when the government of the Philippines had coined and had ready for use five million dollars of the new pesos.

In addition to the coinage authorized by the Act of July 1, 1902, authority was now given to coin in an amount not exceeding seventy-five million pesos a silver coin of the denomination of one peso and of the weight of four hundred sixteen grains, the standard being such that of one thousand parts by weight nine hundred should be pure metal and one hundred copper alloy. The gold coins of the United States, at the rate of one dollar for two pesos, were made legal tender for all debts, public and private, and the silver coins legal tender for all debts contracted after

[16] See the *Special Report on Coinage and Banking,* by Charles A. Conant, November 25, 1901, and the *Repts. of the Secretary of Finance and Justice,* in *Repts. Phil. Com.,* 1900-1903.

[17] Act of July 1, 1902, 32 Stat. L., 691.

[18] Chap. 1903, 33 Stat. L., 952.

December 31, 1903, unless otherwise specifically provided by contract. The subsidiary coins were made legal tender to the amount of ten dollars.

But the price of silver continued to rise and at the end of 1905 the Philippine peso was worth more as bullion than as coin. The commission again prohibited the exportation from the islands of Philippine silver coins or bullion but, notwithstanding the heavy penalties, large quantities were surreptitiously exported and it became clear that the value of the coins would have to be reduced.[19] Accordingly, on June 23, 1906, Congress authorized the insular government to reduce the weight and fineness of the Philippine peso to not less than 700 parts of pure silver and 300 parts of alloy, and the weight and fineness of subsidiary coins in proportion. Under this authority the commission, in December, 1906, provided for the present silver coinage as follows: one peso of 20 grams of silver .800; a fifty-centavo piece of 10 grams of silver .750; a twenty-centavo piece of 4 grams of silver .750, and a ten-centavo piece of 2 grams of silver .750 fine. The silver coins then in circulation were to be recoined at the new weight and fineness and this was immediately commenced.[20] The alloy must be copper.

Having fixed the standard, Congress authorized the Philippine government to adopt such measures as it deemed proper to protect its currency. For that purpose it was authorized to issue and sell short-time certificates of indebtedness to create a fund to be used solely for the purpose of maintaining the parity of the gold and silver pesos. Under this authorization the Philippine government provided for the creation of what is now known as the Gold Standard Fund. Mr. C. A. Conant, the expert employed by the government, had expressed the opinion that if the new peso contained 83.10 grains of silver, the seigniorage derived from the coinage would soon provide a fund sufficient for the purpose. But the commission added to the profits of seignior-

[19] See *Report of Secretary H. C. Ide, Rept. Phil. Com.*, 1905, Pt. I, pp, 68-70.

[20] See Administrative Code of 1916, Sec. 1769.

age, the proceeds of the sale of the certificates, the profits resulting from the issue of the silver pesos and subsidiary and minor coins, the sale of exchange by the government between the Philippines and the United States, and all other receipts which might inure to the government in the exercise of its function of furnishing a convenient currency. To this was subsequently added the interest or other profits from investments or loans made from the Gold Standard Fund and premiums from the sale of inter-island telegraphic transfers and demand drafts sold in Manila on provincial treasurers.[21] The trust fund thus created should be used "for the purpose of maintaining the parity of the silver Philippine peso with the gold standard peso provided in the Act of Congress."

For that purpose and also to keep the currency equal in volume only to the demands of trade, the insular treasurer was authorized, among other things, (a) to exchange on demand at the treasury for Philippine currency offered in sums of not less than five thousand dollars, drafts on the Gold Standard Fund deposited in the United States or elsewhere, charging for the same a premium of three-fourths of one per cent. for demand drafts and one and one-eighths per cent. for telegraphic transfers, and required to direct the depositories of the funds of the Philippine government in the United States to sell exchange against the Gold Standard Fund in the Philippine Islands at fixed rates, (b) to exchange at par United States money for Philippine currency and Philippine currency for United States money, and (c) to exchange in sums of not less than five thousand dollars United States gold for Philippine currency, and (d) to withdraw the United States money or the Philippine currency thus received from circulation.

The operations under this law have been profitable as well as successful. The certificates, from the sale of which the original fund was established, were soon retired. By the end of 1911 the fund had become unnecessarily large and it was determined that it should thereafter be maintained at thirty-five per cent.

[21] Administrative Code, Art. II, Sec. 1781.

of the money of the government of the Philippines in circulation and available for circulation, exclusive of the silver certificates in circulation protected by a gold reserve, and that the excess should be turned into the treasury and become available for appropriation.[22]

On June 30, 1912, after the sum of $1,698,513.82 had been transferred to the general fund, the Gold Standard Fund stood at $9,135,470.38.

The amount at that time reverted aided materially in relieving the financial situation which was then threatening to become acute. Experience seemed to show that there was no necessity for holding all this money in the treasury, or in depositories where it drew but a low rate of interest, and after consulting with financial experts and with the approval of the secretary of war, the legislature authorized the loaning of fifty per cent. of the fund to provinces and municipalities for investment in productive public works, and temporarily, that one-half of such fifty per cent. might be loaned to the Manila Railroad Company to assist it in extending its authorized lines.

The loanable proportion was subsequently increased to eighty per cent. of the fund and the purposes for which it might be loaned were extended so as to include ordinary real estate mortgages as well as (1) the provincial and municipal share of the cost of cadastral surveys, (2) the construction of insular buildings "or other realizable public works and improvements in the form and under the terms and conditions that the legislature might authorize and impose by law," (3) the mortgage bonds of corporations organized to erect and operate sugar centrals, manufacturing copra and cocoanut oil, manufacturing hemp and products derived therefrom, (4) "or any and all of these products under such terms and conditions as may be authorized or required by law," under regulations prescribed by the auditor, for the establishing of agricultural colonies, (5) to corporations organized for the purpose of building, maintaining and improving irrigation

[22] Act 2083, Dec. 8, 1911. See *Rept. Phil. Com.*, 1912, pp. 9, 207, and *Adm. Code*, Secs. 1781-1785.

systems, (6) in loans to the Manila Railroad Company not to exceed $2,313,500.00, (7) in the opening of a credit for the Manila Railroad Company in the sum of $1,250,000.00 to be used in equipment and construction work, such credit to be opened with the prior approval of the governor-general and upon such terms as he may fix and with such security as he may require, and (8) temporarily to purchase fifty-one per cent. of the outstanding stock of the Manila Railroad Company.[23]

The phraseology of this law as well as some of the purposes for which the money is to be used, suggests that it originated in the assembly. The investment of such a large proportion of the money in loans to commercial and manufacturing enterprises, is of doubtful propriety. Its investment in the stock of an embarrassed railroad corporation was dangerous and unjustifiable.

The total silver coinage of the original issue amounted to $16,389,640.90. Of this amount, on January 1, 1915, all but $1,209,339.20 had been withdrawn from circulation and recoined. On that date there had been received from the mint silver coinage of the present weight and fineness amounting to $25,157,560.03.

Until recently the Bank of the Philippines, the former Spanish-Filipino Bank, was the only institution in the islands authorized to issue notes. To July 1, 1915, $2,663,746.25 of its notes had been issued.

The Act of March 2, 1903, authorized the insular treasurer to receive deposits of the standard silver peso in sums of not less than twenty pesos and to issue silver certificates therefor in denominations of not less than two or more than five hundred pesos, the coin to be held for the redemption of this paper currency on demand. These silver certificates were made receivable for customs, taxes and all public dues in the Philippines. On January 1, 1914, $15,022,785.00 of these certificates were in circulation. Originally only silver was receivable; but Congress later authorized the acceptance of gold as a reserve and the issue of certificates against that also. This gold reserve is gradually be-

[23] *Rept. Phil. Com.*, 1914, p. 246.

ing increased and will probably in time render the gold standard fund unnecessary.

The total money in actual circulation in the islands on January 1, 1915, was $26,287,553.87, which on the basis of population shown by the census of 1903, makes a per capita circulation of $3.44.

An institution known as the Philippine National Bank has recently been organized, with a capital of ten million dollars, of which the government is to own a majority of the shares.[24] It is to be a government institution with a minority of the shares of stock held by individuals. This bank is authorized to issue its circulating notes in an amount not exceeding seventy-five per cent. of the securities held by it, subject to the limitation that the total amount of notes outstanding shall not at any time exceed sixty per cent. of its capital and surplus. In addition thereto it may issue notes against gold coin of the United States to the full value thereof. All these notes are made receivable for taxes and other dues of the government.

The income of the insular government is derived from customs dues and certain impositions, fees and charges which are known as internal revenue taxes, including charges for forest products and the part of the United States income tax collected in the Philippines.[25] The interest arising from special funds and certain treasury operations now constitutes a material addition to the income of the government.

The proceeds of the land tax go into the provincial and municipal treasuries, certain of which also share in the taxes paid on the gross earnings by railway and other corporations operating under franchise. The municipalities raise their revenue by

[24] Act 2612, February 4, 1916.

[25] "The administration of the law and the collection of the taxes imposed in Porto Rico and the Philippine Islands shall be by the appropriate internal revenue officers of those governments, and all revenues collected in Porto Rico and the Philippine Islands thereunder shall accrue intact to the general governments thereof, respectively." Federal Income Law of October 3, 1913, Sec. 3176 M. This is the only tax imposed in the Philippines by the direct action of Congress.

taxation and license fee imposed under the authority of the general government about as do similar public corporations in the United States. The provincial and municipal governments have never been entirely self-supporting, as they should be, and have contracted the chronic habit of relying upon the central government for assistance, particularly for loans which they hope never to be called on to repay. The only requirement imposed by the Organic Law is that taxation shall be uniform.

For purposes of tariff legislation the Philippines have been treated very much as foreign territory. The laws imposing duties on goods imported into the United States never applied to importations from foreign countries into the islands. For a time, under military occupation, the duties imposed by the old Spanish customs laws were collected. These duties were modified and new rates fixed by the executive order of the president, of July 12, 1898, which was confirmed by the Act of July 1, 1902. But the way in which the duties were imposed was not satisfactory and on September 17, 1901, the commission passed an act to amend and revise the tariff laws and Congress, by the Act of March 8, 1902,[26] re-enacted the commission law, thus making it a federal statute. After much discussion and consideration the entire tariff was again revised by the congressional act of March 3, 1905, which, as amended in minor respects in 1906, continued in force until the passage of the Colton Law of August 5, 1909. The rates collected under the Dingley Act on Philippine products entering the United States were practically prohibitive and not until 1909 was any material concession made to the islands. The Payne Act, passed the same day as the Colton Act, provided for free trade between the United States and the Philippines, subject to certain restrictions which were finally removed by the Underwood Tariff Law of October 3, 1913. At the present time there is complete free trade between the United States and the Philippines.[27]

[26] Chap. 140, 32 Stat. L., 54.

[27] The Underwood Tariff Law (Sec. IV C, 38 Stat. L., 114, Ann. Stat. Sup.

It was anticipated that for a few years the Colton Law would greatly reduce the revenue of the Philippine government but it was hoped that the development of new markets in the United States would more than compensate the islands for such loss. In fact, however, it did not have that effect, as there were increased importations from other countries and the net revenue from the customs during the fiscal year following the passage of the law amounted to $7,809,659.06, as against $7,652,054.57 for the previous year.

The effect of the Payne tariff on trade with the United States was instantaneous and the importations from the Philippines into the United States during that year amounted to $10,776,128.00 as against $4,693,831.00 for the previous year.

The duties imposed by the existing law upon importations are very moderate and there is a very liberal free list. It is, with very few exceptions, a tariff for revenue only. The average duty imposed is about twenty-five per cent. ad valorem. For illustration the ad valorem rate is, on porcelain and earthenware, from ten to fifty per cent.; precious stones and imitations thereof, fifteen per cent. to seventy per cent.; cutlery, twenty per cent. to thirty per cent.; fire arms, forty per cent.; copper and alloys and other metals, ten per cent. to twenty-five per cent.; drugs and chemicals in some cases specific, but not less than twenty-five per cent.; paints, dyes and varnish, ten per cent. to twenty per cent.; opium for medical use, thirty-five per cent.; proprietary medicines, fifty per cent. to seventy per cent.; vegetable oils,

1914, p. 125) provides that "all articles, the growth or product of or manufactured in the Philippine Islands from material the growth or product of the Philippine Islands, or of the United States, of or both, or which do not contain foreign materials of the value of more than 20% of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands, shall hereafter be admitted free of duty . . . and all articles the growth, product or manufacture of the United States, upon which no drawback of customs duties has been allowed therein, shall be admitted to the Philippine Islands from the United States free of duty." Such free admission is conditioned upon the shipments being direct, under a through bill of lading from the country of origin to the country of destination and the payment in each country of a tax equal to the internal revenue there imposed on like articles of domestic manufacture. For the present powers of the Philippine Legislature to change the tariff laws, see *infra*, p. 439.

fifteen per cent. to twenty-five per cent.; perfumery, etc., forty per cent.; cotton waste, ten per cent.; yarns, threads and cordage, ten per cent. to forty per cent.; textiles specific by weight, but not less than the equivalent of from twenty-five per cent. to forty per cent.; printing paper, ten per cent.; books, etchings and other such things not classed as works of art, which are free, thirty per cent.; common wood logs, $1.00 each, when cut to size, fifteen per cent.; fine woods, twenty per cent. to twenty-five per cent; live animals, horses and mules, $10.00 each; bovine animals, $2.00 each; swine, $1.00 each; birds, including poultry, ten cents each; undercloths, forty per cent.; other cloths, twenty-five per cent; boots and shoes, fifteen per cent. to twenty per cent.; musical instruments, twenty-five to thirty per cent.; typewriters, fifteen per cent.; electrical machinery, ten per cent.; engines, fifteen per cent. to twenty per cent.; wagons and carts, fifteen per cent.; automobiles, fifteen per cent. to twenty-five per cent.; boats, including cost of repair in foreign ports, for which adequate facilities are not afforded in the Philippines, fifty per cent.; rice, prior to May 1, 1910, unhusked, fifty per cent, and husked, $1.00 per hundred kilos; rice flour, $2.00 per hundred kilos, after that date, unhusked eighty cents, and husked $1.20 per hundred kilos;[28] spirits, wines, malt and other beverages pay specific rates, not less than the equivalent of forty per cent. ad valorem. In a number of instances specific rates are fixed with a proviso that it must be the equivalent of a named ad valorem rate. Thus gold and silver wares pay a specific duty, not less, however, than twenty-five per cent. ad valorem; wrought iron and steel, a specific rate not less than fifteen per cent. ad valorem.

This will give a fair idea of the rates imposed on imports. The Colton Law imposed an export tax upon abaca (hemp), sugar, copra and tobacco when exported to any country other than the United States, and from this source the government secured a

[28] Provided that the governor-general with the consent of the commission may keep the higher rate in force until, in his judgment, conditions in the islands warrant the imposition of the lower rate and provided further that the governor-general, with the consent of the commission, may suspend all duties on rice when local conditions so require.

much needed addition to the income of about five hundred thousand dollars per year, but in 1913 the provision was repealed by the Underwood Tariff Law and at present there are no export duties.

With certain changes the Spanish revenue laws were continued in force for about five years after the American occupation.[29] The changes which were made from time to time resulted in decreasing the income of the insular government. The lottery, the mint charges and the contract for the sale of opium were suspended. The tax on rentals of urban property was repealed and a tax imposed on the market value of real estate. The personal *cedula* was reduced from an average of five pesos to one peso on each adult male, thus reducing the revenue from that source, by about five million pesos. The various changes made in the documentary stamp tax alone reduced the revenue from approximately eight hundred seventy thousand pesos in 1896-7 to about two hundred forty thousand pesos for the fiscal year 1902-3. There was a slight increase in collections from the *industria* taxes and the royalties on forestry products, but the loss resulting from the decrease of *cedula* taxes greatly exceeded the increase from other sources.

During the fiscal year 1896-7 the Spaniards collected yearly twelve million pesos from the internal tax sources, which in 1902-3 produced a trifle less than four and one-half million pesos.

Under the Spanish system the internal taxes accrued to the insular and the surtaxes to the provincial and municipal treasuries. As our government abolished the surtaxes and appropriated the internal taxes, as well as the new land taxes, to the uses of the provincial and municipal governments, the central government was left dependent for support on the customs dues. The Dingley Tariff Law rates against imports from the Philippines

[29] See *Rept. Phil. Com.*, 1900-1903, pp. 116, 120; *Internal Taxation in the Philippines*, by John S. Hord, J. H. Univ. Studies, Series XXV, No. 1 (1907). This is a very valuable paper by the Collector of Internal Revenue, who, with Secretary Ide, prepared the law of 1904.

practically closed the American markets[30] to the leading Philippine products, and it was necessary to find other sources of revenue for the insular government. The Spanish law had many good features but it imposed no proper tax on objects generally regarded as luxuries, such as tobacco and alcohol. The subject of excise taxation was given careful study. It seemed, as Secretary H. C. Ide said, that "a reasonable system of internal revenue taxes by which large industries, corporations and the manufacturers of liquors, tobaccos and cigars contribute a reasonable sum for the protection which they receive from the government and for the franchises that are secured to them, ought to provide a material addition to the available resources and to prevent further deficits."

The original draft of what became the Internal Revenue Law of 1904 was prepared by Secretary Ide and Mr. John S. Hord. For several months it was subjected to much general as well as technical criticism.[31] After most of the proposed rates had been materially reduced and the provisions for taxing corporations,

[30] The Act of March 8, 1902, even required the Philippine government to refund all export duties imposed on articles exported from the islands and consumed in the United States. By 1904 $1,060,460 had been thus collected in the Philippines for the benefit principally of American manufacturers of hemp products. It was simply a bounty paid to American manufacturers out of the Philippine treasury.

[31] "During several days, at morning and afternoon sessions, the Philippine Commission heard debates in which no one had a good word to say for the bill. The tenor of the remarks was that the measure was in principle rank economic heresy and if enacted would in practice result in an iniquitous confiscation of vested rights. . . . It was recommended that the imposition of internal taxes be postponed indefinitely because the burden would be more than the already languishing liquor industry could survive, and that neither could such taxes be imposed on the tobacco industry because that would mean the ruination of the only thriving industry in the islands.

"The internal taxes to which the people of the Philippine Islands had become accustomed in the past had nearly all been taxes of direct payment. It was not therefore a matter for surprise that they should fail to grasp the meaning of indirect taxes such as were contained in the proposed law. The shifting of tax payments they could not understand,—it was to their way of reasoning a new and dangerous departure. . . .

"The few who came to understand that the consumers were the ones who really paid the tax, still remained hostile. They claimed that the increase in price, due to the tax, would put the poor man's cigarette and *vino*—a popular native liquor—entirely beyond his reach. Cigarettes and *vino*, they claimed, were in the Philippines not luxuries but, on the contrary, absolute necessities." Hord, *Internal Taxation of the Philippines*, pp. 21, 22.

legacies and inheritances omitted, the bill was passed and went into effect January 1, 1905. For some time the business men, almost without exception, continued antagonistic to the law. They were unanimous in condemning many features of the old law, but they preferred its known evils to the uncertainties of the new system which they could not understand. In time, however, they learned that their fears were groundless and became well satisfied with the new system.

The Internal Revenue Law of 1904 was revised in 1914,[32] amended in 1915,[33] and incorporated in the new Administrative Code of 1916, which is now in force.[34]

At present the sources of internal revenue for the insular government are (a) the *cedula* tax, (b) the documentary tax, (c) the privilege tax on business or occupation and on signs, (d) specific taxes on manufactured products, (e) taxes on resources of banks, receipts of insurance companies and receipts of corporations paying a franchise tax; (f) charges for forest products, (g) fees for testing and sealing weights and measures, (h) internal revenue, including the income tax collected in the Philippine Islands under laws enacted by the Congress of the United States, and (i) ad valorem tax on the output of mines.

The *cedula,* which is simply a poll tax of one peso, must be paid each year by all male inhabitants over eighteen and under sixty years of age, except commissioned officers and enlisted soldiers, sailors and marines of the army and navy, civilian employees of the military or naval branches of the United States government who have come to the Philippine Islands under orders of the government of the United States, diplomatic and consular representatives and officials of foreign powers, paupers, insane persons, imbeciles and persons serving a sentence of more than one year in a public prison.[35] Delinquents must pay a surtax of from

[32] Act No. 2339, February 26, 1914.

[33] Act No. 2541, December 21, 1915. This was a temporary act declared to be in force only from January 1, 1916, to December 31, 1917.

[34] Enacted February 24, 1916. This Code repeals Act No. 2339, subject to certain qualifications stated in Sec. 1744.

[35] Non-Christians residing elsewhere than in the Provinces of Mindanao and Sulu may be exempted by resolution of the provincial board.

fifty per cent. to one hundred per cent., but liberal provision is made for the extension of time for payment of the *cedulas*. In the city of Manila and in the provinces other than the Mountain Province and Nueva Vizcaya, the *cedula* may be doubled by resolution of the provincial or municipal board and a resolution when passed remains in force until the governor-general agrees to its revocation. The extra amount thus raised goes into the road and bridge fund.

A certificate showing payment of the *cedula* tax must be exhibited when any official business is transacted, such as taking an oath of office, registration as a voter, acknowledging a document before a notary, or executing any instrument which is required to be recorded.

The stamp tax must be paid by affixing and canceling the stamp upon documents, instruments and papers and upon acceptances, assignments, sales and transfers of the obligation, right, or property incident thereto, by the person making, signing, issuing or transferring the same. The tax is very moderate, but produces a substantial income for the government. For illustration, bank checks, drafts and certificates of deposit not drawing interest, require a two-centavo stamp; promissory notes, bills of exchange, and certificates of deposit drawing interest require a two-centavo stamp for each two hundred pesos or fractional part thereof of their face value. Insurance policies require ten centavos for each two hundred pesos of the amount insured; indemnity bonds, one centavo for each four pesos of premium charged; warehouse receipts, twenty centavos; bills of lading for goods to be exported, ten centavos; for goods to be shipped to another local port, four centavos; each passenger ticket for travel on other than a government vessel, from one to three pesos, depending on the cost of the ticket. A mortgage on real or personal property and an assignment or renewal thereof requires a fifty-centavo stamp where the amount is from one thousand to three thousand pesos, and fifty centavos extra on each additional three thousand pesos or fractional part thereof. A charter party, contract, or agreement for the charter of a ship requires from six to twenty pesos

in stamps according to the tonnage of the ship. Bonds and certificates of indebtedness of the insular or any provincial or municipal government, checks, drafts, warrants and bills of exchange drawn by the United States on the insular or local government, policies of insurance issued by fraternal and beneficial societies operated on the lodge system or local cooperative plan and all certificates, acknowledgments and other papers required from the government officials in the exercise of their official duties are exempt from the documentary tax.

A privilege tax on businesses and occupations is imposed in addition to the percentage tax on the volume of sales by a merchant. The privilege tax must be paid before any designated business or occupation can be lawfully begun or pursued and the tax is payable on each separate or distinct establishment or place where the business is conducted and for each occupation or line of business although combined with some other for which a tax has been paid. The occupation tax must be paid by each individual engaged in a calling subject thereto and the tax on a business by the person, firm or company conducting the same.

Every person—except pedlers, fruit-stand keepers and those engaged in certain minor occupations, in which the volume of business is very small—engaged in a business on which a percentage tax is imposed must pay an annual tax of two pesos; but if his receipts do not reach the minimum established for the percentage tax, he pays only the two pesos for that year.

A distinction is thus made between a business and an occupation tax. Fixed taxes on business are imposed as follows: (a) distillers of spirits, two hundred pesos; (b) brewers, two hundred pesos; (c) rectifiers of distilled spirits, two hundred pesos; (d) manufacturers of tobacco, twenty pesos; (e) manufacturers of cigars, twenty pesos; (f) wholesale liquor dealers in the city of Manila, two hundred pesos, and in any other place, sixty pesos; (g) retail liquor dealers, forty-eight pesos; (h) retail *vino* dealers, eight pesos; (i) wholesale dealers in fermented liquors, sixty pesos; (j) retail dealers in fermented liquors, twenty pesos; (k) retail dealers in *tuba, basi,* and *tapuy,* ten pesos; (l) tobacco deal-

ers, eight pesos; (m) retail leaf tobacco dealers, twenty pesos; (n) wholesale pedlers of manufactured tobacco, or of distilled, manufactured, or fermented liquor, or both, eighty pesos; (o) retail pedlers of manufactured tobacco, or of distilled manufactured, or fermented liquor, or both, sixteen pesos; (p) pedlers of merchandise traveling from place to place, except pedlers of foodstuffs and those whose stock in trade amounts to less than fifty pesos in value, eight pesos, to be refunded if thereafter they shall pay the merchants' tax for the quarter in a sum in excess of eight pesos; (q) proprietors of cockpits, two hundred pesos, and for each cock-fight (soltada), a tax of twenty-five centavos; (r) proprietors of theaters, museums, cinematographs and concert halls, in the city of Manila, two hundred pesos, and in any other place, one hundred pesos, or in this case, by the month, ten pesos; (s) proprietors of circuses giving exhibitions in one or more places or provinces, two hundred pesos; (t) proprietors of billiard rooms, for each table, ten pesos; (u) owners of race tracks, for each day on which races are run on any track, sixty pesos; (v) pawnbrokers, four hundred pesos; (w) stockbrokers, eighty pesos; (x) money lenders, eighty pesos; (y) real estate brokers, eighty pesos; (z) merchandise brokers, eighty pesos.

On occupations the following privilege taxes must be paid annually: (a) customs and emigration brokers, eighty pesos; (b) lawyers, medical practitioners, land surveyors, architects, public accountants, and civil, electrical, mechanical or mining engineers, fifty pesos; (c) dental surgeons, opticians, photographers, lithographers, engravers and professional appraisers or connoisseurs of tobacco and other domestic or foreign products, forty pesos; (d) *procuradors judicales, agents de negocios,* insurance agents and sub-agents, and veterinarians, forty pesos; (e) pharmacists, farriers, chiropodists, manicurists, tattooers and masseurs, twenty pesos; (f) mid-wives and *cirujanos ministrantes* in medicine or dentistry, ten pesos.

For the privilege of maintaining outdoor signs and bill-boards

a privilege tax of from one to two pesos per square meter or fraction thereof, must be paid.

All merchants not specifically exempted because of the insignificance of their business, must pay a tax of one per cent. on the gross value in money of the commodities, goods, wares and merchandise sold, bartered, exchanged or consigned abroad by them, such tax being based on the actual selling price or value at which the goods in question are disposed of or consigned, whether consisting of raw material or of manufactured or partially manufactured products, and whether of domestic or foreign origin.[36] Things subject to a specific tax and agricultural products when sold by the producer or owner of the land where grown or by any other person than a merchant or commission merchant, are excluded from this percentage tax on merchants' sales.

The specific internal revenue taxes apply to goods manufactured or produced in the Philippine Islands for domestic sale or consumption and the things imported from the United States or foreign countries, but not to anything produced or manufactured in the islands which shall be removed for exportation and which is actually exported without returning to the islands, whether so exported in its original state or as an ingredient or part of any manufactured article or product. In case of importations the internal revenue tax is added to the customs duties. No specific tax is collected on any articles sold and delivered directly to the United States Army or Navy for actual use or issue by the army or navy, or on any article sold to the Bureau of Coast and Geodetic Survey purchased with funds furnished by the government of the United States.

Specific taxes on domestic products must be paid by the manufacturer, purchaser, owner or person having possession of the

[36] "Merchants" as here used means a person engaged in the sale, barter or exchange of personal property of whatever character. It includes manufacturers who sell articles of their own production and commission merchants having establishments of their own for the keeping and disposal of goods of which sales and exchanges are effected, but does not include merchandise brokers, who are required to pay a percentage tax equivalent to 4% of the gross compensation received by them in excess of 500 pesos per quarter.

same, and, except as otherwise specifically allowed, such taxes must be paid immediately before removal from the place of production.

The principal specific taxes are those imposed on liquors and cigars. Upon distilled spirits there is collected, with certain exceptions, specific taxes as follows: (a) if produced from sap of the nipa, cocoanut or buri palm or from the juice or sirup or sugar of the cane, per proof liter, twenty-five centavos; (b) if produced from any other material, per proof liter, seventy centavos. Medicinal and toilet preparations, flavoring extracts and all other preparations of which, excluding the water, distilled spirits form the chief ingredient, are subject to the same tax as such chief ingredient.

Domestic alcohol of not less than one hundred eighty degrees proof when denatured, is exempt from a specific tax, when withdrawn for use for fuel, light, power, or in the arts and industries.

On wines and imitation wines there is collected per liter of volume capacity, regardless of proof, the following tax: (a) sparkling wines, one peso; (b) still wines containing fourteen per cent. of alcohol or less, eight centavos; (c) still wines containing more than fourteen per cent. of alcohol, fifteen centavos. Imitation wines containing more than twenty-five per cent. of alcohol are taxed as distilled spirits. Beer, ale, porter and other fermented liquors pay four centavos per liter of volume capacity.

Manufactured products of tobacco, except cigars, cigarettes and tobacco specially prepared for chewing so as to be unsuitable for consumption in any other manner, but including all other tobacco twisted by hand or reduced into condition to be consumed in any manner other than the ordinary method of drying and curing, and all tobacco prepared or apparently prepared for sale or consumption, and all fine cut shorts, and refuse, scraps, cuttings, clippings and sweepings of tobacco, pay forty-eight centavos on each kilogram. Tobacco products intended for industrial use are exempt from the tax.

Cigars and cigarettes, except hand-made cigars and cigarettes

prepared by a consumer for his own consumption and so used, pay the full tax: (a) when a manufacturer's usual wholesale value, less the amount of the tax, is twenty pesos per thousand or less, on each thousand, two pesos; when it is more than twenty pesos but not more than fifty pesos per thousand, on each thousand, four pesos; when it exceeds fifty pesos per thousand, on each thousand, six pesos; (b) cigarettes, weighing not more than two kilograms per thousand, on each thousand, one peso; weighing more than two kilograms, two pesos per thousand. Matches pay on each gross of boxes containing not more than one hundred twenty sticks to the box, forty centavos; when containing more, a proportionate additional tax.

Condensed skimmed milk, and all skimmed milk, in whatever form, sold in the islands, pays twenty centavos for each kilogram of gross weight of the milk containers. Refined and manufactured mineral oils pay (1) naphtha, gasoline and all other later products of distillation, three centavos; (2) kerosene or petroleum, one and one-half centavos; (3) and lubricating oils, two centavos, per liter of volume capacity.

Coal and coke pay fifty centavos per meter ton. Cinematographic films imported or manufactured in the islands pay three centavos per lineal meter. Playing cards, containing not more than fifty-eight cards per pack, pay each twenty centavos.

Banks pay a tax of one twenty-fourth of one per cent. upon the capital employed (not including money borrowed in the usual course of business from persons not interested in the bank) for each month, one-eighteenth of one per cent. for each month upon the average deposits subject to check or represented by certificates of deposit, one-twelfth of one per cent. on the average actual circulation, and one per cent. for each month additional on the average amount of such circulation in excess of the amount of the paid-in capital. Foreign banks pay on the proportion of their total capital that the net earnings from business in the Philippines bears to the total net earnings of the institution. Savings institutions are exempt from the tax on all deposits not exceeding four thousand pesos made in the name of one person,

and on all their deposits which are invested in securities satisfactory to the insular treasurer.

Persons and corporations transacting an insurance business (except purely cooperative associations) pay one per cent. on the total premiums collected each year. Gross earnings taxes are provided for in the charters of all railroad and other corporations to which franchises are granted.

Fixed charges are made for each cubic meter of lumber, firewood, stone and earth, cut or taken from any public forest or forest reserve. The fees charged for inspecting and sealing weights and measures are classed as internal revenue. An ad valorem tax equal to one and one-half per cent. of the market value is collected on the gross output of each mine.

The provincial and municipal governments also exercise the taxing power under grants of authority from the legislature. A land tax levied by the provincial board, furnishes the chief revenue of the provinces, which, however, share in the internal revenue receipts of the central government. In addition to a land tax levied for school purposes, the municipalities exact license fees for privileges, occupations, and grants of fishery rights, and receive profits from certain business enterprises such as public markets in which they are authorized to engage. Like the provinces, they receive a substantial portion of the internal revenue.

The city of Manila is practically a province as well as a municipality. Its principal revenues are derived from the land tax, licenses, and other impositions such as are ordinarily collected by municipal governments. Real estate is assessed by the city assessor and collector, subject to an appeal to a board of tax appeals composed of seven members appointed annually by the governor-general, and on the valuation thus fixed an annual tax of one and one-half per cent. is levied.

Machines, mechanical contrivances, and appliances used for industrial, agricultural or manufacturing purposes, whether or not technically fixtures, are excluded from the value of the land. Lands owned by government, burial grounds, churches and their adjacent parsonages and *conventos,* and lands and buildings used

exclusively for religious, charitable, scientific and educational purposes, and not for profit, are exempt; but the exemption does not include lands or buildings held for investment, the income of which is devoted to religious, charitable, scientific, or educational purposes. The exemptions are excessive.

In the face of strong opposition, and after years of urging, the legislature recently authorized the city of Manila to levy special assessments for benefits on real estate to the extent of sixty per cent. of the cost of contemplated public improvement. Only land owned by the United States or the government of the Philippines is exempt from this special assessment tax.

The provinces and municipalities receive forty per centum of the proceeds of the internal revenue tax levied and collected by the insular government, ten per cent. being set aside as a provincial, ten per cent. as a road and bridge, and twenty per cent. as a municipal allotment.[37] For purposes of allotment, which are made on the basis of population, a chartered city, township, or other local governmental division not constituting a part of a municipality proper, is deemed a municipality. The city of Manila receives the share which it would receive both as a municipality and a regularly organized province. The *cedula* tax all goes into the provincial treasuries although in provinces where the regular one-peso charge is doubled the extra peso goes into the road and bridge fund or the road and public works funds.

The proceeds of fees for sealing weights and measures and all license taxes on theaters, museums, cockpits, concert halls, bond brokers, billiard rooms, and retail dealers in *tuba, basi, tapuy,* or like domestic liquors, go to the municipality where collected.

Franchise taxes paid by a grantee which has outstanding bonds the interest on which is guaranteed by the government, and by

[37] These allotments, however, can not exceed the amount allotted for the same purpose during the fiscal year 1909. The provincial allotment is apportioned to the treasuries of the provinces and accrues to their general funds. The road and bridge allotments are apportioned among the provinces wherein the road tax continues in force and other provinces wherein the annual *cedula* tax is maintained at two pesos. The municipal allotments, the Administrative Code declares, "shall be for the benefit of the inhabitants of the islands, in the purview of their community requirements," being available for municipal or other designated uses.

the grantee of a submarine telegraph cable, go in their entirety to the insular treasury. Where the franchise is for a steam railroad, a marine railroad, an electric or tramway line, or a public service plant, the proceeds of the tax are divided in fixed proportion between the insular government and the provinces and municipalities interested—the insular government receiving from one-half, in the case of an ordinary railroad, to one-fifth in the case of a public service plant.

The foregoing summary statement will give the reader a fair idea of the system of taxation and the extent of the burden imposed on the people. The burden is cast upon those members of the community who are, presumptively, at least, most able to bear it. There is no personal property tax and the documentary stamp tax only is imposed on mortgages and such securities for debt. The administrative machinery by which the revenues are collected now seems to be working with very little friction.

Under this system the revenues of the government, other than from the *cedula* and a few other items, are determined by the volume of business transacted in the islands and with foreign countries. The table which shows the annual income of the government shows also that there has been a steady improvement of business conditions. The foreign commerce of the country, as shown by the following tables, continued to grow steadily until interfered with by the European war.

The imports for the years 1906-1914, exclusive of gold and silver, were as follows:

Twelve months ending December—	From—		Total
	United States	Other countries	
1906	$4,477,886	$21,925,882	$26,403,768
1907	5,067,538	25,386,272	30,453,810
1908	5,101,836	24,084,284	29,186,120
1909	6,445,331	24,639,088	31,084,419
1910	20,068,542	29,650,819	49,719,361
1911	19,156,987	28,867,420	48,024,407
1912	24,309,010	37,358,941	61,667,951
1913	26,676,261	26,636,525	53,312,786
1914	24,020,395	24,568,258	48,588,653

The exports for the years 1906-1914, exclusive of gold and silver, were as follows:

Twelve months ending December—	To—		Total
	United States	Other countries	
1906	$11,869,289	$20,773,603	$32,642,892
1907	10,329,387	22,768,480	33,097,867
1908	10,450,755	22,150,317	32,601,072
1909	14,726,513	20,197,824	34,924,337
1910	17,241,725	23,386,738	40,628,463
1911	19,827,030	24,760,261	44,587,291
1912	22,814,238	31,970,500	54,784,738
1913	16,434,018	31,338,938	47,772,956
1914	24,427,710	24,261,924	48,689,634

The total foreign trade for the year 1915 was larger than in any previous year in the history of the islands.[38] The imports amounted to $49,312,188, and the exports to $53,863,004, making a total of $102,675,292. The exports to the United States amounted to $50,034,560.

[38] *Rept. Phil. Com.*, 1915, p. 192 (Rept. Secretary of Finance and Justice, dated May 2, 1916).

CHAPTER VIII

Defense and Public Safety—The Army and Navy

Cooperation of Civil and Military Authorities—The Navy—Status of Army —Gradual Reduction—Cost of Military Establishment—Defense from External Enemies—Moral Effect of Army Presence—Relation with Civil Government—Detailed Army Officers—Organization of Native Troops—The Scouts—The Constabulary—The Municipal Police—Seditious Movements.

At a dinner in Cairo the talk was of what had been accomplished under British rule for the regeneration of Egypt. After generous praise had been given to the diplomats, army officers and engineers, an elderly civilian remarked, "But do not forget, gentlemen, that this all rests on the work of one man, Mr. Tommy Atkins." After the excitement of war times has subsided and men are absorbed with commerce, trade and the multifarious problems of civil government and administration, it is very easy to forget the work of the soldier and sailor who made it all possible.

Since the fall of Manila the navy has had no direct connection with the government of the Philippines, but the constant presence of some part of the Asiatic fleet in Manila Bay and the location of the naval stations at Cavite and Olongapo have required the careful coordination of the work of the civil, military and naval authorities. Admiral Dewey stands out as the conspicuous figure of the first few months of American control, but from the nature of their duties naval officers have had little connection with the administrative work of the insular government.

The control of the army ceased in 1902, and since that time it has borne the same relation legally to the insular government that it does to a state government when occupying a military reservation in the United States. The commanding general of the department of the Philippines has had no more control over the civil government than, for instance, the commander of the department of the East has over the government of the state of

New York. Nevertheless, the peculiar local conditions and the direct control of the secretary of war over the military and civil authorities have necessitated active, and in recent years, very cordial cooperation. The governor-general is the ranking official in the islands,[1] and his relation with the administration at Washington is always such that on questions of general policy his word is usually final, with the result that on matters not purely military the commanding general must work in harmony with the governor-general.

In 1901, when Taft became civil governor, there were approximately 23,000 United States troops scattered throughout the Archipelago from Jolo to northern Luzon.[2] As the country became quiet and the ability of the constabulary to maintain order in most localities was demonstrated, the number of regular troops was reduced and concentrated in posts near the larger cities like Manila, Batangas, Iloilo, Cebu and Zamboanga, and at danger points like Jolo and Camp Keithley. In 1912 the number had been reduced to 16,702, of which 5,732 were scouts. The withdrawal of the regulars continued until at present[3] there are 11,884. All but the scouts are now stationed in the vicinity of Manila or near by in the island of Luzon. As now organized, these units constitute a colonial army with permanent stations in the Far East, the officers and men being relieved after completing fixed tours and replaced by others transferred from the United States.

The cost of maintaining the army in the Philippines since the close of the insurrection has often been greatly exaggerated. Nevertheless, it is considerable. Including the scouts, it has averaged about $9,000,000 per annum.[4] The scouts alone cost

[1] A governor-general is entitled to 17 guns, a vice-governor to 15 guns, and a major-general to 13 guns. In the British Crown colonies the governor is also commander of the military forces, but in recent years the position is merely nominal.

[2] The United States Volunteers enlisted under the Act of March 2, 1899, were returned to San Francisco between January and June, 1901, and mustered out.

[3] June 3, 1916.

[4] There have been various estimates of the expenses properly chargeable to the Philippine situation. The above figures are from the statement prepared by the War Department, Appendix J, p. 523, *infra*.

about $1,000,000 a year and they exist only because of the American occupation of the islands. But the remainder of the army must be maintained somewhere, and only the excess cost of keeping them in the islands is properly chargeable to the Philippine situation. This was made up principally of transportation charges, increased cost of supplies and extra pay for foreign service.[5]

To the credit side should be placed the creation of an efficient transport system, the improvement of the quartermaster and commissary departments, and the greatly increased effectiveness of both officers and men.

Why are these troops kept in the Philippines at the expense of the United States instead of being made a charge on the insular government? The Philippines are American territory, and the duty to defend its territory from external aggression rests upon the nation. For that purpose, at the national expense, modern fortifications have been erected on Corregidor and other small islands which guard the entrance to Manila Bay and on Isle Grande in Subig Bay, behind which lies the Olongapo Naval Station. There has always been a difference of opinion among experts as to the value of these expensive works. Corregidor is probably impregnable from naval attack, but it could easily be reduced by great guns placed in the mountains back of Marivales. The placing of such guns there could be prevented only by a mobile army such as the United States will never be willing to maintain in the Philippines. Manila, which lies at the foot of the bay twenty-five miles from Corregidor, could easily be captured by a large army which could, in the absence of naval pro-

[5] In ordinary times the Spaniards maintained about 15,000 soldiers in the islands. The budget of 1888 provided for 9,470 infantry, artillery and engineers, 407 cavalry, 630 disciplinary troops (convicts), 3,342 civil guards (constabulary), and 400 civil guards corps. This establishment cost approximately $2,000,000 (gold) per year. The civil guards were very unpopular with the people. See Appendix J.

Some of the towns maintained at their own expense guards called *Quarilleros*. They were enlisted from the worst element of the population and not infrequently were closely identified with the bandits against whom they were supposed to protect the public.

tection, be landed on the shores of Lingayen Bay about one hundred miles to the north. The march south would be over perfectly level country, but a comparatively small army, in even hastily constructed trenches, could at least delay it very considerably. The city itself has no defensive works. But after capturing the city the invading army would find itself bottled up in Manila. The victory would be a barren one so long as Corregidor controlled the entrance from the sea; and before the forts could be reduced the issue would be determined on the high seas or on the coasts of continental America.

It is often said that the Philippines are a source of military weakness, but it is true only in the sense that any remote valuable possession offers attractions to the predatory. If made the main object of attack by a first-class near-by power the islands could not, of course, be successfully defended. But the Philippine Islands will never be the cause of a war between the United States and any other power; nor even in the event of such a war would their temporary possession be of much importance to either contestant.

The American naval base is now at Hawaii, and in the event of a war with Japan the Philippines would doubtless be blockaded and the small American force there neutralized while the issue was being determined elsewhere. The islands would remain with or go to the victor, and the determining battles would be fought far from their shores.

While the nation has been at peace the army has been the power in reserve back of the civil government—the guaranty of internal quiet and order. The sight of its marching columns has dampened the enthusiasm of many a would-be insurgent.

For several years there was considerable friction between the military and the civil authorities, but the old feeling of antagonism has long since disappeared. The dissatisfaction which existed in the early days is easily understood and was to some extent justified by facts. After the installation of civil government many of the ex-generals of the insurrecto armies were elected provincial governors or held other important civil posts.

As some of them with whom the army was brought into close official relations had acquired unenviable military reputations during the war for deeds of cruelty and barbarism, and as they openly boasted of the numbers of American soldiers they had killed, their occupancy of high civil posts did nothing to decrease the bitterness of the army.

A writer who assumes to express the army view asserts that "from the beginning there was a systematic belittling, on the part of the Taft Commission, of the work of the army, incidentally, too, belittling the reality and unanimity of the opposition which was daily calling it forth."[6]

Such statements are entirely without justification. Certainly the president and the secretary of war gave the army full credit for its admirable work. In his general amnesty proclamation of July 4, 1902, President Roosevelt spoke words of generous praise. When the army was accused of wholesale cruelty in retaliation against a treacherous and barbarous people and maligned and lied about in the press and on the floors of Congress,[7] Secretary Root, in a public address, said:[8]

"In the Philippines . . . the army has put down an insurrection of seven millions of people. . . . And with the sword it has carried the school-book, the blessings of peace and self-government and individual liberty. . . . Our soldiers have been criticized, and some of them have been accused, but however ready men at ease here may be to believe, to repeat, to rejoice in accusations against their brethren who are fighting under the American flag in support of American sovereignty, let me tell you that . . . these men shall not be condemned unheard. . . . When the record comes to be made up in the cool judgment of the American people and of mankind, after Cuba with its brilliant page, after China with its glorious achievement, will

[6] Blount, *The American Occupation of the Philippines*, p. 299.

[7] See *Sen. Doc. 205, 57th Cong. 1st Sess.*

A senator from Tennessee stigmatized the lamented Funston as a "blatherskite brigadier." A senator from Idaho said: "I do not know who General Wheaton is, but I imagine he is a charity boy who was appointed to West Point by some representative or senator and who was educated by the government." These are but samples of the abuse showered on distinguished officers by senators who were unworthy to stand in their presence.

[8] Address at West Point, June 11, 1902.

be written another page, equally glorious, on which will be recorded the achievements in war and in peace of the American army in the Philippines."

And so the record has been made up and the judgment entered.

Under the circumstances misunderstandings between the civil and military officials were inevitable. The army expected not only to conquer the country, but in the natural course of events to govern it for a good many years. This could not be permitted. The policy of the Washington administration was based on principles which are the very antithesis of those which influence military men when dealing with matters within the scope of their profession. These antagonistic theories and methods of administration caused much trouble, dissatisfaction and soreness, but by the judicious adjusting of conflicting forces an equilibrium was finally established and time and loyalty did the rest.

The volunteer soldier is a citizen of the republic who for a time is released from the common restraints of every-day life and subjected to a new set of restrictions which greatly gall his somewhat exaggerated ego. The regular soldier is simply a volunteer who has found himself and recognizes the wisdom of surrendering a little of his individualism for the common good. Both retain what they regard as the natural right to form their own opinions on questions of public policy. Each has his own independent and breezy methods.

> ". . . illogical, elate,
> He greets th' embarrassed Gods, nor fears
> To shake the iron hand of Fate
> Or match with Destiny for beers."

The military theory was "that the army was there to put down an insurrection, not to have a symposium with its leaders on the rights of men." It did not at all approve President McKinley's policy of benevolence. In a general way the soldier accepted the theory of the old army, that the only good Indian was a dead Indian, and he embodied the idea in a marching song which was

once as well known in the Philippines as was *Tipperary* somewhere in northern France:

"Underneath the starry flag
Civilize him with a Krag
And return us to our own beloved homes."

He already had a superabundance of black brothers at home and objected to adopting a few millions more of the brown sort. As to the Filipino, he was willing to admit that

"He may be a brother of William H. Taft"

but felt certain that

"He ain't no brother of mine."

The undeniable fact is that the soldiers, almost without exception, from commanding general to private, were out of sympathy with the altruistic policy of the McKinley administration. A few indeed had vision and could grasp the meaning of the great experiment, but even they believed that the work of Filipinization was pushed forward too rapidly.

While it is true, as John Hay said, that there never was an army that could be trusted *as an army* to govern a conquered country, it is certain that army officers when detached and assigned to civil work make highly efficient and faithful administrators. Some of the very best service rendered in the Philippines has been by officers who were detailed and appointed to civil office, and it is to be regretted that more of them were not utilized for such work. Leonard Wood, Tasker H. Bliss and John J. Pershing did remarkable work as civil governors of the Moro Province while performing also their military duties as department commanders. Allen, Bandholtz, Baker, Rivers, Hershey, Hall, Bennett, Nolan, Kilbourne and other officers detailed from the regular army were largely responsible for making the Philippine Constabulary one of the most efficient bodies of native military police in the world. The army trains admin-

istrators, and colonial administrative work develops soldiers. Lord Cromer was a major of artillery when detailed for civil service in India and later in Egypt. Sir Reginald Wingate, the governor-general of the Soudan, is a general in the army. Most of the great leaders of the French and British armies of to-day were trained in civil colonial administration. Lord Kitchener spent a great part of his life in colonial civil and military administrative work. Joffre built railroads on the West African coast and organized and managed an Industrial Exposition in Tonkin. Gallieni was a successful civil administrator in West Africa, Tonkin and Madagascar. Roque and Lyautey, his successor at the French War Office, had many years of such service.

All colonial powers maintained native troops as auxiliary to their regular military establishments, and the organization of Filipino regiments, which would permit the withdrawal of many of the American troops and thus reduce expenses, was given early consideration by both the military and civil authorities. There seems to have been a general consensus of opinion that native regiments to serve with the regular army and also a native constabulary to serve under the civil governor should be organized. It was believed that they would be faithful, efficient and loyal if properly commanded, and the belief has been justified by experience. In its first report the commission advised the organization of ten regiments of native troops of infantry and cavalry, the field officers and company commanders to be Americans and the lieutenants to be Filipinos.[9]

"Much thought," said Secretary Root, "has been given both by the War Department and by the commanding officers in the Philippines to the question of organizing native troops for the performance of this duty. I have no doubt that this is practicable. The experiments which we have already made demonstrate its practicability. We have already organized several different bodies of native scouts under American officers.[10] . . . All

[9] *Rept. Phil. Com.* 1900, p. 93.

[10] At that time there was one company under Lieutenant Batson, com-

these have proved faithful, courageous and responsive to discipline when under the immediate control of American officers. The main trouble has been to restrain them to the usages of civilized warfare."

It would be economical as well as safe. Secretary Root said:

"There would be no difficulty in securing from among the natives the entire number of troops necessary for the Philippines if we wish to do so. Neither the needs of the native troops nor the customary wages in the islands would justify giving them the same pay, allowances and subsistence which we give to our American soldiers. One-half the cost of the American soldiers in all these respects will be ample and satisfactory. . . . It can properly proceed only so rapidly as the officers available for the purpose are able not only to organize and train the new soldiers, but to cultivate in them the habit of subordination, respect for authority, self-control and regard for the usages of civilized warfare. The military requirements of the Philippines may accordingly be summed up as follows: We need there for the immediate future about sixty thousand men. We may expect this number to be progressively decreased. . . ."[11]

It was then contemplated that a portion of the expense of the scouts should be paid out of the income of the insular government as "the great wealth and rapidly increasing revenues of the islands make it evident that at no distant day the islands themselves will be able to pay whatever they justly should for the support of their own police protection."[12]

In 1901 Congress authorized the president to enlist a body of scouts which in due time should become a part of the regular army of the United States. The original organizations were mustered out as employees of the insular government and reenlisted and organized as companies constituting a part of the

posed of Macabebes; one under Lieutenant Castner, composed of Tagalogs; others of Visayans in Samar and Negros; and a squadron of Filipino cavalry under the command of Lieutenant Batson as Major of Volunteers.

[11] *Rept. Secretary of War,* 1902, p. 249.

[12] *Rept. Secretary of War,* 1900 (*Annual Repts. of the Secretary of War,* 1900-1903, p. 136).

regular establishment. The experience of the year was encouraging and the secretary advised that:[13]

"The Philippine scouts should be continued. They enable us to reduce the force of American troops in the Philippines more rapidly than we could without them, and their knowledge of the country, language and the ways of the people make them especially valuable in hunting down ladrones, which for a good while to come will be an urgent business."

The relation between the scouts maintained at the expense of the United States and the constabulary, which has been created and was being maintained by the insular government, was left to be worked out in the light of future experience.

The scouts are excellent soldiers. In 1907 Brigadier-General A. L. Mills said:

"The discipline of these companies is very good, and hard work in the field has shown these soldiers to be loyal, patient and efficient. . . . They are good material of which to form an insular army to be used in maintaining peace and order in the archipelago, and in time of war, when associated with American troops, in repelling hostile attacks from without."

"After serving nearly two years with the Philippine scouts," wrote Major C. R. Elliott, "it is my honest opinion that they are the best soldiers in the islands to-day. I do not bar any regiment over here. You understand, I mean *for service in this country*. They are more willing to work, can outmarch either the infantry or cavalry, will work day and night if necessary without growling, can work in the mud and water better than white troops, and if necessary can construct their own quarters from native material where white troops could or would not. They are more contented in the field or outlying stations, can shoot as well as the average white troops, are far more amenable to discipline, and are not so liable to tropical sickness. . . .

[13] *Rept. Secretary of War*, 1901, p. 176.

Various plans have been proposed for consolidating the scouts and constabulary into one native force under the control of the Philippine government, but it has so far been found impossible to adjust the conflicting interests.

But they would be of little value under Filipino officers, whom they obey with ill grace."[14]

I believe this expresses the general feeling of regular army officers who have commanded the scouts. They are good soldiers when under American officers. There is not much question as to their *loyalty to such officers.*

During recent years the scouts have numbered about 6,000. In 1903 there were 99 officers and 4,805 men. In 1916 there were 182 officers and 5,733 enlisted men, not including thirteen captains of the line detailed with the scouts as majors of battalions.[15] At present six of the officers are natives of the Philippines, and of these three are graduates of West Point.[16]

But there was work to be done for which the American soldiers were not particularly well qualified. As they were to be withdrawn from the small stations and concentrated in larger garrisons, it was necessary for the civil government to provide for the maintenance of order in the scattered towns and villages of the provinces. The charter of the city of Manila provided for a regular police force and the municipal code required each municipality to establish and maintain a police force, but the municipal police were notoriously unreliable and inefficient. It was therefore necessary to organize a body of police on military lines which would be under the control of the insular government and available for use in all parts of the islands. Policy as well as economy required that it be composed of natives.[17] The

[14] The method of selecting company officers from old non-commissioned officers is bad. They should be selected as constabulary officers are, from young college graduates.

[15] The scouts have no regimental organization.

[16] The Philippine government is allowed to keep two Filipino cadets at the Military Academy.

[17] Secretary Root, in his Report for 1903, said:

"In the beginning the employment of natives for such a purpose was regarded as a dubious experiment. There were prophets of evil who did not hesitate to foretell disaster as the result of such a course of procedure. It was asserted both by friendly and unfriendly critics that the natives would prove cruel, inefficient, and disloyal. A careful study, however, of oriental peoples and especially of the Filipino people, caused the commission to conclude that these fears were groundless and that under American direction and leadership they would not only prove reliable but in addition could be made

experience of the military authorities had already demonstrated that Filipino soldiers, when properly commanded, could be trusted, and this "put at rest the only practical question that ever arose as to their availability."

On July 18, 1901,[18] the commission provided for an armed, equipped and disciplined force, to be called the Philippine Constabulary, to consist of not exceeding one hundred and fifty men for each province, the whole to be under a chief and four assistant chiefs. For administrative purposes the islands were divided into four departments with an assistant chief in charge of each. The constabulary were declared to be peace officers and were charged particularly with the duty to prevent and suppress brigandage, insurrection, unlawful assemblies and breach of peace.

The plan contemplated:

1. That Americans should, as a general rule, be in command of the forces to be organized in the provinces and that the noncommissioned officers and privates should be Filipinos.

2. That each province should furnish its quota of men, whose operations ordinarily were to be confined to their own province.

The policy of the British and Spanish had been to utilize native troops as constabulary in districts other than that from which they were drawn, thereby taking advantage of tribal antagonism and avoiding the embarrassment incident to dealing with their immediate friends and neighbors. But the commission thought that as against the disadvantages there were substantial benefits to be derived from pursuing the opposite course. It was believed that if properly officered and trained there need be no fear of treachery, and that there were in fact many ad-

far more effective for service to be performed than even a greater number of American soldiers. It seemed plain to the commission that the American people would be adverse to a policy which eliminated the native Filipinos as a factor in maintaining order. Not only did the consideration of expense cut a most important figure but in addition continued occupancy of the islands under a purely military régime in which the Filipinos were to have no part seemed wholly opposed to American ideas. In short, it was believed that unless the Filipinos thus could be largely utilized in this and other branches of the government, American administration must prove an expensive and mortifying failure."

[18] Act No. 175.

vantages in having the police familiar with the terrain and the people of the province in which they were operating.

The constabulary was organized in 1901 with Captain Henry T. Allen as chief and Captain D. J. Baker as first assistant chief. The other assistant chiefs were selected from non-commissioned officers and soldiers then serving in the Philippines. Subsequently Congress provided that officers of the United States Army might be detailed for service as chiefs and assistant chiefs of constabulary, and that during the continuance of such details the officer serving as chief should have the rank and allowance of a brigadier-general, and an officer serving as assistant chief that of colonel.[19]

The Philippine government was required to pay the difference in salaries due to such increase in rank. It was customary to detail regular army officers as inspectors of constabulary and thus place them in training for appointment as assistant chiefs.

It was far from easy to secure qualified officers and trustworthy enlisted men, but by the end of the year 1901 about one thousand had been secured, and the commission reported that the constabulary had rendered good service in breaking up bands of ladrones and eliminating notorious criminals. It was inevitable that there would be friction with the native authorities, and there was much criticism of the work of the constabulary. That there were abuses of power on the part of both officers and men is certain, but they were frequently exaggerated for political effect.[20]

[19] Act of January 30, 1903.

[20] "Of course," said Governor Taft, "the abuses of the Constabulary are very grossly exaggerated by deliberate misrepresentations by persons whose sympathy and profit are with the Ladrones and who do not welcome the presence of the Constabulary on any ground. Another difficulty has been the lack of tact on the part of some of the American inspectors engaged in the provinces. The authority which they exercise over the constabulary of the province, which generally is the only effective police body, is apt to make them feel independent of the government of the province, especially if they are young and inexperienced; and when they think that they do not find in the native governor the active, energetic assistance to which they are entitled, they conduct themselves in a manner not calculated to conciliate the governor or to secure any useful cooperation with him. It has been my steady effort to convince these inspectors that next to dishonesty and cruelty a failure to show proper respect to the governor of the province and to accord him the

The constabulary exists to-day about as it was originally organized.[21] It has averaged about five thousand enlisted men. The unit is the company, there being neither battalions nor regiments. The company is frequently broken into smaller bodies, which, under non-commissioned officers, are scattered throughout the remotest parts of the country. The nature of their work and the conditions under which it is done render it impossible to train and discipline them like regular soldiers.[22] Nor is it necessary or desirable. They are trained for their special duties. The men are enlisted from all the provinces from among the civilized people and the uncivilized tribes. There are fifteen or twenty companies of Moros from the South and several of wild men from the Mountain Province. The former are fighting men by virtue of their religion and take readily to military life, but it is doubtful whether in endurance, skill and discipline they are superior to the non-Mohammedans and Filipinos.

The companies of mountain men, the head-hunters of former days, are remarkably efficient in dealing with their own people in their native habitats. They follow the criminal through the mountain fastnesses with marvelous skill and persistence. Clear-eyed and without nerves, they, like the Moros, are unsurpassed as marksmen.

There is no better way of civilizing the wild man than enlisting him in the constabulary, and pictures of the Igorot before and after taking the constabulary treatment are always produced when proof of progress in the Philippines is called for.

As was to be expected, many of the officers first appointed proved unsatisfactory and it was necessary to replace them by others of better quality. For several years past the selections have been made from graduates of colleges and military schools in the United States, and as a class they are equal to the average

courtesy which the dignity of his office requires will be considered the greatest dereliction of duty of which they can be guilty and will be cause for instant dismissal." *Rept. Civil Governor,* Nov. 1, 1902.

[21] See Adm. Code, Secs. 1038-1119.

[22] The companies at the larger stations are well drilled and make a very soldierly appearance.

young men who receive commissions as lieutenants in the regular army. After reaching the islands they are sent to the constabulary school at Baguio for three months' intensive training in the work of a constabulary officer. After graduation they are appointed third lieutenants and sent out to work. This excellent school was maintained by the constabulary out of its general appropriations, but recently it has been enlarged and now exists as the "Academy for Officers of the Philippine Constabulary." The purpose of the enlarged institution is to educate and train officers for the constabulary or any other similar institution which may be created. Of course, this law[23] is designed to provide a sort of West Point for the training of officers for the armies of the independent republic of the Philippines when it shall materialize.

The institution is under the charge of a superintendent, who must be a constabulary officer, and other officers and instructors appointed by the chief of constabulary with the approval of the secretary of commerce and police. There is to be appointed annually not to exceed sixty cadets, to be selected after an examination, from among nominees, three by the governor-general, three by the speaker of the Philippine Assembly, two by each member of the upper house of the Philippine Legislature, and one by each member of the Philippine Assembly.[24] The cadets must for a period of two years pursue a course of study determined by the chief of constabulary with the approval of the secretary of commerce and police. The course must include military art, the constabulary manual, the criminal law of the Philippines, military law, international law, topography, equitation, athletics and the municipal, provincial and insular governments. Upon the completion of the course cadets will be appointed to fill vacancies in the grade of third lieutenant of the constabulary or in the same grade in any similar organization which may hereafter be created.[25]

[23] Act No. 2605, February 4, 1916.

[24] This law was passed before the reorganization of the legislative department under the act of August 29, 1916.

[25] This provision looks to the future national guard.

The constabulary school, as maintained for a number of years, was an excellent institution and prepared constabulary officers very well for their duties. The new academy which is its successor is a much more ambitious institution.

The duties imposed upon the constabulary are multifarious and onerous. The scouts live in comfortable quarters, receive good pay, are equipped like regular United States soldiers; and during recent years, except when detailed to assist the constabulary in rinderpest quarantine work, they have had nothing much to do but to keep fit. Among his own people the scout is a sort of military aristocrat who is believed to keep his own *muchacho*. The constabulary soldier is a military working man who is busy every day of the year. His pay is less than that of a scout. For him there are few fine barracks—he is generally moving, chasing criminals, enforcing quarantine regulations and performing other duties too numerous to be mentioned in detail.[26] He looks upon the scout as a favored individual, and occasionally when his enlistment expires takes on with the scouts in the hope of thereafter enjoying peace, quiet and plenty.[27]

The military authorities were slow to recognize the real value of the constabulary. At first there was a disposition to regard the officers as policemen—of a sublimated sort, possibly, but policemen nevertheless—and entitled to official and social recognition as such only. The fact that the chief and assistant chiefs were regular army officers made the situation a trifle difficult, and when Congress made the chief a brigadier-general and his assistants colonels it became even more complicated. Their rank was real, not "Mex"; regular, not constabulary. Allen and his successor, Bandholtz,[28] were chiefs of constabulary in the civil government—itself a sort of a war department agency—and therefore, under the Act of Congress, brigadier-generals in the

[26] In the early days the constabulary controlled the telegraph lines and maintained a commissary for the convenience of civil government employees. See Rept. of Gen. Allen, *Rept. Phil. Com.* 1902, *Exhibit G.*

[27] This is not so common as formerly. The seven-year period of enlistment in the scouts has made the constabulary service with its three-year period somewhat more attractive.

[28] The present chief is Brigadier-General Herman Hall.

United States Army. The fact that the higher rank was temporary did not affect its reality.

There was at first some difficulty about the constabulary uniform, and great pains were taken to prevent a constabulary officer from being mistaken by the uninitiated for an army officer. But the constabulary officers soon proved their metal in the field and their right to recognition as officers and gentlemen, and they were accepted as such personally and officially. The rather fantastic collar and shoulder strap insignia which was understandable by the initiated only was, with the approval of the commanding general, made to conform to those of officers of the same rank in the army.[29] Finally a constabulary officer was made aide to the governor-general in the place of a captain of regulars. The recognition of the constabulary was due to the positive merits of the organization, the personal qualities of the officers, and the fact that the majority of the higher officers also held commissions in the regular army.

The arrangement under which these details were made from the army was not entirely satisfactory to the constabulary officers, who felt that they were thereby excluded from the higher commands. There was some slight justification for the feeling, but Taylor, Mair, White, Griffith and others who had been appointed from the volunteers or from civil life reached the rank of assistant chief on their merits. The army men brought into the constabulary an element essential for its highest efficiency, and the results obtained fully justified the policy.

In the early days scout officers objected to serving under constabulary officers of higher rank. Regardless of theories and names, the constabulary was and still is a military organization, created to relieve the American soldiers and scouts from the performance of a portion of their regular duties. There was a common reason for the existence of both organizations. The scouts were subject to the orders of the department commander,

[29] The initials "I. C." (insular constabulary) at first worn on the collar, had to be changed to "P. C." It was found that the former among the regulars stood for "inspected and condemned." This would never do.

the constabulary to those of the governor-general; but both the commanding general and the governor-general received their orders from the president through the secretary of war, who was immediately responsible for the management of the entire Philippine situation.

It was inevitable that two such bodies of natives serving in the same territory under such conditions would occasionally be required to act together. Congress therefore authorized the placing of the scouts under the command of the regular army officers who were serving as chief and assistant chiefs of constabulary. During the year 1903 from three to five thousand scouts were thus detailed for service under the civil government and the practise has been continued down to the present time. Governor Taft reported that General Wood and General Davis had responded promptly to the calls for scouts and that the arrangement had worked very well, as it enabled the civil government to suppress disorder with native troops.[30] But it presented some anomalies which seemed serious to those trained in the niceties of military administration. "It is greatly regretted," wrote General Davis, "that political considerations seem to require the captains, field officers and generals of the forces here to occupy the mortifying position which the execution of the law involves; viz., to be forbidden to lead into action the troops of their command whom they have organized, instructed for years, and whose material wants under other leadership they must still supply."

Such views and feelings evidenced a complete failure to understand the situation or to appreciate the purpose for which the scouts existed. As Governor Taft said: "Nothing could be further from the truth, nothing could be more unfounded or unfair than the inference that the use of the scouts in association with the constabulary for the suppression of disorder is a reflection upon the military establishment or upon those who are in command thereof."

The chief and assistant chiefs of constabulary were regular

[30] Report, November 15, 1903.

army officers of mature age and much senior in rank to the officers immediately in command of the scout companies. It was in fact merely the temporary transfer of command from one regular officer to another.

The local municipal police had always been the source of much trouble. They were appointed by the *presidentes* and were generally little more than his personal servants. In the early days the municipal elections were very lively affairs. There was little violence, but the political workers could have given an old-time American caucus manipulator cards and spades and beaten him at his own game. The police represented the *presidente's* patronage and after their appointment they were his henchmen, ready to fetch and carry for their boss. As guardians of the peace they were practically useless. Discipline was unknown. Without arms, they were useless against the ladrones who infested the surrounding country. In the small towns, with arms, they were merely a tempting bait—an invitation for the raiders, who came, tied up the frightened policemen, and carried away the coveted firearms. When the constabulary was first organized it was contemplated that the provincial inspectors should devote much of their time to getting the municipal police into some sort of shape; but for several years they were kept so busy with ladrones that little was done. As the country quieted down more attention was given the matter and some improvement was effected. The root of the trouble was in the method of appointment, control and removal of the policemen. Finally, early in 1912, an act was passed which provided for their reorganization. The chief of the constabulary, with the approval of the secretary of commerce and police, was required to prepare regulations for their government, discipline and inspection which should be binding on all the municipalities. A board, composed of the senior inspector of constabulary, the third member of the provincial board, and a *presidente* named by the provincial board, was created in each province and charged with the duty of determining the qualifications of those who would be policemen. Examinations were directed to be held each year. In order to

be eligible a candidate was required to be a native of the Philippines, from twenty-one to forty years of age, of good habits, in good condition physically, have no criminal record, be able to read and write English or Spanish, have a perfect reading and writing knowledge of the vernacular, and not have been dishonorably discharged from any civil or military organization. A different examination was required for those who aspired to the office of chief of police. The list of residents of a municipality deemed by this board to be qualified was furnished to the municipal authorities and from it only appointments could be made. The police force was appointed from this list by the *presidente* with the consent of the municipal council. The chief of police was appointed by the provincial governor upon the recommendation of the *presidente* by and with the consent of the municipal council.

Enlistments in the local police are for four years and removals can be made only after a public hearing and for the causes stated in the statute. The chief of constabulary prescribes the uniform insignia and equipment of the municipal police, but it must not resemble that of the army or constabulary. The arms are furnished by the municipality. A policeman can not act as an election officer, be a candidate for office or solicit votes for any candidate.

It was always a question whether it was necessary or advisable to keep so large a force of American soldiers in the islands. Ten or fifteen thousand men would be of no particular use in the event of war with Japan. As many scouts and constabulary additional, assuming that they were all loyal, would have constituted merely an invitation to the Japanese—as the armed municipal police were to the ladrones—to come and get their equipment. It was convenient, in view of our treaty obligations, to have troops near in the event of disturbances in China, as was demonstrated at the time of the attack on the legations. Unquestionably the primary reason for maintaining United States troops in the Philippines was to guard against another uprising of the natives. Just how serious the danger was can never be known.

The military always exaggerated and the civil authorities minimized it; neither neglected to take reasonable precautions. The Intelligence Department of the Army and the Secret Service Division of the Constabulary kept in close touch with what was going on under the surface. Conditions occasionally became sufficiently serious to justify conveying to the leaders some of the information in the possession of the government. On one occasion a certain party was quietly handed a list of the men who were said to be marked to stand against the wall. Nothing insurrectionary occurred. On another occasion eight thousand troops marched through the streets of Manila a few days before the reported date set for an uprising. A review at that particular time may have been a mere coincidence, but Señor Juan de la Cruz, who had somewhere among his possessions a fine new commission as colonel in the "Army of Liberation," could never feel absolutely certain about it.

It must be remembered that the Filipinos are a conquered people. Practically all of them acquiesced in, if they did not at heart accept, American sovereignty; but a few irreconcilables, from a position of safety in Hong Kong, continued to plot sedition and insurrection. These men kept up a connection with a remnant of the old insurrectos, who remained in the islands, took the oath of allegiance and maintained outwardly the attitude of loyalty to the government. Certain seditiously inclined journalists also were constantly striving to excite the people against the Americans, and there was always danger that they might induce them to engage in some mad attempt to start another revolt.

Aside from the serious efforts of some of our friends in Hong Kong and Japan, paper organizations were occasionally effected by knaves who, by false promises or threats, induced their dupes to contribute small amounts to pay the expenses of a proposed insurrection. Of course the money always went into the pockets of the organizers. In one province the people were told that there was war between the United States and Japan and that Japan was soon to land an army which would drive out the Americans and aid the Filipinos in setting up their own gov-

ernment. Many ignorant people were induced to pay fifteen cents each for a duly signed paper which certified that the bearer was a friend of Japan and should not be molested. In many instances commissions as officers in an imaginary insurrectionary army were sold for cash to aspirants for fame and glory. It is needless to say that the money went no farther than the pockets of the leaders. For a number of years a few men earned a dishonest living by such methods.

Manila finally became accustomed to uprisings which never arose and refused to take the rumors seriously. Acts merely criminal were often magnified into insurrections by the papers in the United States. In 1911 a Filipino provincial governor who had killed a prisoner confined in the provincial jail was convicted of the offense. Pending an appeal, he jumped his bail and induced his friends in a small village in the foothills to aid him in robbing a provincial treasurer, and then, following the good old ladrone custom, escaped to the mountains. He was soon captured by a detachment of the constabulary and was ultimately hanged for the murder. The newspapers in the United States, in glaring head-lines, described the incident as a serious uprising on the part of the Filipinos. Disturbances in the winter of 1913, which the Harrison administration reported as local riots originating with a band of Christmas enthusiasts, were claimed by military and non-official observers to have been serious attempts at a new insurrection.

After making due allowance for false alarms, exaggerations and the reports of those who were prone to see spooks, it is reasonably certain that but for the presence in the islands of a considerable body of American troops on several occasions formidable movements would have been started, with results serious to Americans residing in the islands, and even more serious to the ignorant and easily misled people. Native troops alone, even under American officers, could not have been relied upon.

CHAPTER IX

Sanitation and Health

Interest in Tropical Medicine—Sanitation in the East—Early Conditions in Philippines—Enormous Death Rate—Superstitution and Fatalism—Spanish and Filipino Doctors—Clean-up by American Army—New Health Regulations—First Board of Health—The Civil and Military Hospitals—Functions of Health Officers—Causes of Communicable Diseases—Public Health Purchasable—Small Expenditure in Philippines—Attitude of Natives—Education in Sanitation—Disposal of Garbage and Waste—The New Sewer System—Public Laundries—Cemeteries—The Modern Markets—The Drug and Food Law—The Milk Supply—The Water Supply—Manila and Cebu Water-Works—Artesian Wells—The Bubonic Plague—Cholera—The Smallpox—Results of Vaccination—Leprosy and Its Treatment—Beriberi—Infant Mortality—Tuberculosis—Malaria and Dysentery—Mosquitoes and Rats—An Unfinished Work—The Moro Hospital Ship—Present Organization.

The American occupation of the Philippines, Cuba and Porto Rico came at a time when the study of the diseases peculiar to the tropics was engaging the serious attention of governments as well as the medical profession. Recent discoveries had suggested the possibility that cholera, plague, yellow fever and malaria might not only be controlled, but almost, if not entirely, prevented and the tropics made safe places of residence for white men. The possibility of saving the thousands of lives which were being destroyed annually by these dread diseases appealed strongly to the humanitarian instincts of the world.

The governments which were engaged in the development of tropical countries had purely business reasons also for desiring the reduction of the ravages of disease. They were to some extent directly responsible for the manner in which contagious and infectious diseases had spread throughout the Orient and for the economic losses incident thereto. The frequent destructive epidemics were closely connected with the efforts to equalize the

labor supply of the world by the transfer of laborers from congested to poorly supplied regions. Wherever these migratory workers went they carried the diseases peculiar to their native lands. The interchange of products between countries is always a distinct source of danger, necessitating the strictest quarantine and inspection laws. The bubonic plague is supposed to have been carried into the Philippines by rats concealed in shipments of merchandise imported from China. Breaking the virgin soil in connection with railroad construction or for agriculture always causes an increase of malaria. Other less definitely understood factors enter into the situation and the opening up of a new country is invariably followed by an increase in disease and a higher death rate even among the natives.

Imported labor is expensive and an epidemic of cholera or plague among workmen brought from a distant country means heavy financial loss to their employers and sometimes the failure of great commercial enterprises. It is possible that the realization of the economic facts tended even more effectively to arouse interest in the study of tropical medicine than the humanitarian desire to preserve the lives of the natives of the tropics for their own sakes.

Long before the days of Lister and the *bacilli,* Lord Beaconsfield told the colonists that *sanitas sanitatum omnia sanitas* should be their guiding principle. It was a good principle but more was required than a formula. The modern campaign against tropical diseases was initiated in England in 1897 by Sir Patrick Manson in an address delivered at St. George's Hospital, in which he urged the importance of the special training of students in the science of tropical medicine. Fortunately this address attracted the attention of Joseph Chamberlain, then secretary of state for the colonies, and through his influence schools of tropical medicine were soon thereafter established in London and Liverpool. Major Ross, who had discovered the part played by the mosquito in the carriage of malaria, was sent by the Liverpool school to Africa to continue his investigations. Shortly thereafter the American investigators in Cuba identified

the mosquito which carries the yellow fever parasite. The campaign against the diseases of the tropics was thus well under way when Manila was taken over from the Spaniards.

There seems to exist between the Oriental and the earth a natural affinity, which renders him partial to dirt and indifferent to squalor. The traveler who visits the interior of China or views Canton on his way to the Five Towered Pagoda will be able to form an excellent idea of sanitary conditions as they were in the Philippines before and at the time of the American occupation.

The Filipinos realized nothing of the importance of sanitation and the Spanish officials paid little attention to such matters. There was one notable exception. General Juan Arolas seems to have been gazetted governor of the plague-infected city of Jolo with the implied understanding that he would show his appreciation of the honor by personally utilizing the unusual facilities offered by the place for the contraction of deadly diseases. But Arolas cheated his superiors by renovating Jolo and making it one of the healthiest towns in the Archipelago. He is said to have taken so much pride in the work that he bore a lasting grudge against any unfortunate who should inconsiderately die at Jolo through any other agency than the bolo or kampilan.

Superstition had much to do with the way in which both Spaniards and Filipinos lived. The belief that the night air contained some poisonous miasma productive of malarial fever prevailed generally and the natives closed both doors and windows to exclude the *asuang,* the devil spirits which flew abroad only at night. The climate and the physical environment were unfavorable to the maintenance of health. That efficient ally of the sanitarian, cold weather, was unknown. Bacteria and parasites flourished throughout the entire year. The alternating heat and moisture bred mosquitoes and other insects innumerable. Where science, skill and well directed energy were so badly needed they were all unknown.

For many years the death rate in the Philippines had been so high that the population was at a standstill. There are no complete records of deaths but it is estimated that the rate must have

been at least fifty in the thousand. Probably forty thousand people died each year of smallpox and even a greater number from tuberculosis. Cholera, the plague, malaria, beriberi and other diseases killed vast numbers and the people in their ignorance and blindness continued to do the very things which were most certain to bring death. They drank the water from the streams in which they and their work animals bathed and from shallow open wells into which streets and cemeteries drained. Artesian wells were unknown. The water supply for the city of Manila, with its quarter of a million inhabitants, was drawn from the Maraquina River at a point below where it was used by at least ten thousand people for every purpose for which a water supply should not be used.

The city, situated on Manila Bay and along the low banks of the often-overflowing Pasig River, was always partially submerged at high tide. There was no sewer system. All garbage, household waste and night-soil, when not simply thrown into the streets and alleys with the hope that it would be disposed of by hogs and other animals, was handled in the crudest possible manner. The twenty-five miles of *esteros,* the narrow tidal canals which intersected the city, were open, sluggish, filthy water courses into which all sorts of refuse found its way to be stirred up at intervals by lighters and other craft. The moats without the ancient city walls were festering masses of disease-breeding corruption. Quinine was in great demand but it was scarce and imitation pills of the precious drug were sold at exhorbitant prices to the people in the provinces. The part played by the mosquito in carrying malaria was unknown.

There were no food laws, no animal inspection, no proper slaughter-houses, and the numerous markets were filthy beyond description. Fruit and provisions were commonly sold from the ground and, covered with dust and dirt, were eaten without being washed or cooked.

There were no building restrictions and in sections of Manila inhabited by from ten to twenty thousand people there were neither streets nor alleys and the people reached their habitations, which were built on posts, by passing under those of their neigh-

bors. It was not uncommon for half a dozen persons to sleep in a room measuring six by eight feet, with all the doors and windows securely closed against the imaginary night-flying spirits, in blissful disregard of the millions of very real microbes in their midst.

As suitable ground for burial places was limited, a single grave would often be used several times. What remained of the dispossessed tenants was scattered about or thrown ignominiously on a pile at the foot of a cross erected in the center of the cemetery.

Leprosy was common and sufferers wandered almost at will about the country. The insane were ignored or at times chained to posts under the houses and often burned during the conflagrations which so frequently swept away the flimsy bamboo and nipa structures. A thousand deaths a day in the city of Manila from epidemic diseases was not unusual during one of the frequent pestilential visitations. In the provinces entire villages were sometimes depopulated. Bubonic plague had found its way into the islands. The dreaded amœbic dysentery, for which no remedy was known, destroyed its hundreds each year.

The maritime quarantine was entirely inadequate, being merely an instrument of graft, and dangerous communicable diseases were constantly being introduced from the cities of the China coast, where no attempts whatever were made to control epidemics. The Chinese Emperor Tung Chin once issued a decree informing his people that, "We have had the good fortune this month to contract smallpox."[1] Although the Filipinos may not have regarded a case of smallpox as a stroke of good fortune, they did consider the disease as one of the common incidents of life, as we regard measles and whooping-cough. The statue of Charles IX which stands in front of the Ayuntamiento in Manila was erected in honor of the introduction of vaccination into the Philippines, but only an infinitesimal portion of the populace had ever been vaccinated. Through ignorance and indifference little effort was made to avoid contagion.[2] Persons cov-

[1] Bland & Blackhouse, *China Under the Empress Dowager*, p. 120.

[2] Parents often intentionally exposed their children to smallpox on the

ered with the eruptions went freely about the streets and rode in public conveyances. The clothing of those who died was passed on without disinfection for use by other members of the family.

Because of infection at birth, improper food and lack of care, it is said that more than one-half of the children born in the islands never lived to see the second anniversary of their birthdays.

The common people applied their remedies with due regard to theological considerations. A good wife explained to the friar that she had done everything reasonable to cure her husband of congestion of the lungs. She had "prepared and applied a poultice of three heads of garlic in honor of the Three Persons of the Blessed Trinity; this not producing the desired effect, she then made a poultice of five heads of garlic in honor of the Five Wounds of our Blessed Savior, and successively of seven heads in honor of the Seven Pains of the Blessed Virgin; twelve in honor of the Twelve Apostles, and last of all a poultice of thirty-three heads of garlic in honor of the thirty-three years our Blessed Savior remained on earth." The priest nodded approval as she went on, but as she stopped he asked, "And then?" to which the lady replied, "Well, then he died."

Many died each year from ills which would have been cured in any western country. The hospitals were inadequate and badly equipped. The members of the medical profession, including the Spanish, were, to state it mildly, behind the times. Most of them were ignorant, indifferent and little more efficient than the herb-brewers and witch-doctors of the lower classes. Like the ancient practitioner of the poem, their philosophy was simple:

> "I physicks, bleeds and sweats 'em,
> If after that they choose to die, why—I lets 'em."

A French surgeon named Paul de la Gironiere,[3] when urged by

theory that as they would certainly have it at some time the sooner it was over the better.

[3] A medical practitioner in the Philippines from 1814 to 1834. See his *Vingt Années aux Philippines,* Paris, 1853. An English translation of this book was published in New York in 1854.

a Spanish doctor to establish himself in Manila, pleaded lack of the necessary professional outfit. "That is of no consequence," replied the Spaniard, "I have all that you would require, a coat almost new, and six capital lancets!" It is said that as late as 1892 there was not a surgeon in the Philippines who would venture to open the human abdomen.[4]

The physicians and surgeons, with their modern hospital equipment, who came with the American Army in 1898, found an ample field for their energies and they were in immediate demand, as, "the soldiers promptly contracted about all the different ailments to be found in the islands." Prompt and efficient work was necessary for their protection and within a short time Manila had received such a scrubbing and cleaning as had never before been experienced by any city east of Suez.

The work of sanitation fell naturally to the medical corps of the army. A provisional board of health was immediately organized, and rules and regulations published. The city was divided into districts and a municipal physician appointed for each. This board continued in existence until August 26, 1899, when it was reorganized with Doctor Guy L. Edie as commissioner of public health. A bacteriological department was added to the Municipal Laboratory, a Municipal Dispensary organized, a Plague Hospital established and provision made for the registration of births, marriages and deaths, which previously had been in charge of the parochial priests.

After the legislative power was vested in the commission the provost marshal-general was authorized to promulgate health ordinances for the city and the rules and regulations were embodied in an ordinance which was enforced by the military authorities. This ordinance covered nearly every phase of municipal sanitation and was the foundation of the sanitary codes which were subsequently enacted. It provided among other

[4] Harvey, P. F., "Native Medical Practice," *New York Medical Journal*, LXXIV, p. 203, August 3, 1901; Doherty, "Medicine and Disease in Philippines," *Journal American Medical Association*, June 16, 1900; Flexner and Barker, "Report Special Committee for Johns Hopkins University," in *Journal Military Service Institution*, XXVI (May, 1900), pp. 421-433.

things that a physician who visited or examined any case of infectious or contagious disease should immediately cause such patient to be isolated and notice given to the health authorities. The term "infectious and contagious disease" as defined in the ordinance included not only the well-known diseases of that character, but all diseases declared by the board to be dangerous to the public health. It was made the duty of every person in Manila to be successfully vaccinated at intervals of one year and a person who had been exposed to smallpox was required to be successfully vaccinated or revaccinated a sufficient number of times, at intervals of two weeks, to render it evident that successful vaccination was impossible.[5]

This code has been frequently amended and many special ordinances relating to sanitation have been enacted. In the provinces reliance had to be placed on local municipal ordinances and rules and regulations made by the Bureau of Health and as a result there was much diversity and dissatisfaction. The legislature could not be induced to pass a sanitary code for the entire islands.

After the civil government was fully organized the subject of health and sanitation was transferred from the Board of Health for the City of Manila, to the Board of Health for the Philippine Islands which, in 1905, became the Bureau of Health in the Department of the Interior. It was required to act also as a board of health for the city of Manila. The service was finally reorganized in the present form by the Health Service Reorganization Act which became effective July 1, 1915.[6]

The first commissioner of health under the new organization was Major Louis L. Maus, M. C., U. S. A., who in August, 1902, was succeeded by Major E. L. Carter, M. C., U. S. A., who served until April, 1905, when, upon the reorganization of the government bureaus Doctor Victor G. Heiser of the United States Public Health and Quarantine Hospital Service[7] became director of the new bureau. Doctor Heiser remained in charge

[5] Act No. 62.
[6] Act No. 2468.
[7] Now called the United States Public Health Service.

until February, 1915, when he resigned and was succeeded by Doctor John D. Long of the same service.

After the organization of the Bureau of Health, the army continued to maintain its own hospitals for the care of the soldiers and its medical corps has worked in harmonious relation with the civil health authorities. The War Department created and has maintained a board for the study of tropical diseases as they exist in the Philippines, and some of the most elaborate special studies of diseases and local conditions have been made by members of this board working often in connection with the civil health authorities with the facilities afforded by the Bureau of Science and the Bureau of Health.[8]

In addition to a good administrative organization a successful fight against the diseases which prevailed in the Philippines required expert physicians, scientific students and the best possible hospital accommodations. None of these was at first available.[9] The necessary physicians and surgeons were supplied by importations from the United States and Europe and by the slow process of educating young Filipinos. A College of Medicine and Surgery with a modern laboratory and the latest equipment for teaching by instructors who are specialists in their respective branches, was established in 1906 and is now graduating doctors after a five-year course of study. The entrance requirements, courses of study and practical hospital training, are claimed to be higher than the average in the United States. Second only to that for physicians and surgeons was the demand for trained nurses, and this want is being supplied as rapidly as possible by the Nurses' School, which has at present about three hundred young women students. It is universally conceded that the graduates of this school make excellent nurses.

The hospital facilities are now far superior to those of any other far-eastern country. The Philippine General Hospital,

[8] See Woodruff, *The Effect of Tropical Light on White Men* and same author's *Expansion of Races,* New York, 1909.

[9] The Spaniards established hospitals soon after their occupation of the country, but they had never been modernized.

with a capacity of three hundred and fifty beds, costing three-fourths of a million dollars, was opened in 1910, and is unquestionably the most modern and best equipped hospital in the Far East, and compares favorably with the leading hospitals in Europe and America. In the outpatient clinic more than eighty thousand persons are treated each year, which means "that thousands upon thousands are receiving relief and are free from pain, amongst whom agony and distress existed before."[10] The present policy of elimination has resulted in placing a Filipino at the head of this great hospital.

Smaller hospitals are now maintained by the government at Cebu and in the mountains at Baguio and Bontoc, the latter in the center of the wild man's country. The reformed head hunters who formerly sacrificed their domestic animals and their neighbors to propitiate the evil spirits, now put their trust in the surgeon who by the use of anesthetics can, as they understand it, kill men painlessly and bring them to life again.

Communicable diseases and a few insane are cared for at the San Lazaro Hospital in Manila, and lepers are sent to Culion. The University Hospital, St. Paul's Hospital and the Mary J. Johnson Hospital, are modern private institutions supported respectively by the Protestant Episcopal, Catholic and Methodist churches. The old San Juan de Dios Hospital, which was established centuries ago, has been modernized and is fairly well equipped. Notwithstanding these modern facilities there are still great sections of the islands which are entirely without hospitals and their necessities can not be supplied until the government can find the necessary funds from its always inadequate income. Arrangements are now being made to send a hospital ship to cruise among the islands of the Sulu Archipelago, which will bring relief to the suffering Moros.

It has been said that the three main functions of a hospital are

[10] For a full description, see *History and Description of the Philippine General Hospital,* by Dr. John E. Snodgrass, Manila, 1911. The hospital has recently been placed under the control of a Filipino physician. See *infra,* p. 420.

the care of the sick, the education of the people and the advancement of science, and that those of the health officials are the care for the well, the education of the people with regard to conditions of health, and the advancement of life through sanitary science. The preservation of public health is almost entirely a matter of education and finance. If people were as much afraid of the concealed but well-known dangers to health as they are of the mechanical dangers by which they are threatened, the problem of the health officer would be greatly simplified. But timid persons who make every effort to avoid the dangers of the street, and always lock their doors against thieves, live bravely in the same house with a tubercular patient and take no precaution against the germs of malaria, dysentery and other diseases.

It is now known that all dangerous communicable diseases are due, not to climate or bad odors, but to definite preventable causes, and that they are caused by agents that attack from without and against which defense is possible. The public health official is charged with the duty to wage war against these causes and educate the public in ways and means of self-defense. Assuming intelligence and activity, his success will be measured by the funds available for the work. In other words, *public health is a purchasable commodity and obtainable by any community that is willing to pay the price.* This has been demonstrated in the Philippines, where a reduction of sixty thousand deaths per year has been effected by an expenditure of about ten cents per capita of the population, under a civil régime where administration has been expensive because the many obstacles have had to be overcome by persuasion or fought through the courts. It is unquestionably true that if the government would spend as much money for health purposes as for public works and public protection the lives of many thousands now sacrificed through ignorance and poverty could be saved. A committee appointed to study the cause of the excessive infant mortality reported to the Philippine Legislature that an additional one-centavo (half-cent) stamp placed upon every letter mailed in the Philippines would

furnish money to save the lives of twenty-five thousand babies a year and increase enormously the health efficiency and earning capacity of the community.[11]

The early institution of civil governments in some ways interfered with the work of the health officers. In judging of what has been accomplished it should be remembered that they are civil officials, subject to the restraints of the civil law and not possessed of the arbitrary power and unlimited funds which enabled the military authorities on the Isthmus of Panama and in Cuba to effect so much in so short a space of time. Conditions were entirely different. It is difficult enough to enforce stringent health ordinances in the cities of the United States where the people do not ordinarily regard health inspectors as their natural enemies; it was more than difficult in the Philippines. Nevertheless the results in the Philippines compare favorably with those in Panama. In the Philippines there was spent less than twenty cents per capita for health purposes; in Panama, about three dollars and fifty cents. The death rate in Manila, Colon and Panama cities was approximately forty-three per thousand. This was reduced to about twenty-five in Panama. In Manila in 1914 it reached twenty-three and a fraction per thousand. The death rate among ten thousand employees in Panama and the same number in the Philippine Civil Service was about the same; usually less than five per cent. per thousand.

The natives seemed satisfied with conditions as they were and objected strenuously to having their families and personal lives supervised by any one. Rather than be put to so much trouble they preferred to take the chances of life and death under the conditions to which they were accustomed. If half of their children died it must be the will of the good God or it would not have happened. The resistance which was offered to the health

[11] There has, of course, been a difference of opinion between the engineers and the doctors as to the proper apportionment of the always inadequate funds between public works and public health. By using the money for the protection of the latter the population is increased, but left in unsatisfactory economic conditions.

authorities was seldom active; it was generally of that passive and subtle nature which is more difficult to overcome than active opposition.

It must be remembered that the American government was attempting to do much more than had been customary in tropical colonies. The movement to include the natives within the scope of sanitary and health regulations was in its infancy. The ordinary plan was to protect the white officers and residents and permit the natives to live as they had been accustomed. The attempt to clean up the Orient for the benefit of its own people was regarded by most medical men in the East as additional evidence of the Quixotic impracticability of the Americans as colonizers.

A great deal has been written about the opposition of the Filipinos to the sanitary and health measures established by the Americans. It is true that they were often unreasonable, but when their ignorance and experience with such matters are considered, they should not be too severely condemned. Under civil government, the education of the people is the most important function of the sanitary officer and the first principle for his guidance should be that public sanitation, to be effective, must rest upon public sentiment. In the Philippines this sentiment had to be created. As Doctor Heiser says: "It was but natural that a people should resist measures which they in their inmost hearts believed were being enforced by the governing power for the express purpose of making them miserable, unhappy and uncomfortable. As soon as the better class of Filipinos observed, however, that no cases of cholera occurred among the Americans who drank water that had been boiled and ate only food that had been cooked and was served hot, this simple plan had many imitators and much of the success that was obtained in later cholera campaigns may be attributed to the measures that the Filipino people invoked." With reference to the fight against cholera, he says: "On the whole it may be said that the campaign waged against cholera in the begining was not as successful as could have been hoped for, but the experience gained paved the way for

attacking future outbreaks with considerable more success. It was soon learned that there was nothing to be gained by using actual force. The opposition which was engendered caused far more difficulty than the good which was accomplished in an individual case in which it was used. The early efforts to combat plague resulted in a similar lack of success. . . . The lack of success in these efforts soon made it apparent that before much could be accomplished in the islands a set of laws would have to be prepared in which considerable deference should be given to local prejudices. . . . In other words, it became apparent that the sanitary regeneration of the Philippine Islands had to be brought about not in spite of the Filipino people, but with their assistance."[12]

The defense against microbes has been compared to a trident with the three points of (1) the extermination of vermin, (2) pure food and drink and (3) vaccination. Now dirt, in what we

[12] "Sanitation in the Philippine Islands," *Journal of Race Development,* Oct., 1912, reprinted in *Cong. Rec.* for July, 1913. The general attitude of the radical element of the Filipino public is very well shown by an editorial in a leading Manila paper, *El Ideal,* Feb. 4, 1915, when Doctor Heiser resigned from the service.

"Men may differ in their opinions as to the methods used by Doctor Heiser in the fulfilment of his duty to look after and improve the public health, and they are indeed conflicting; there are many who sincerely believe that Doctor Heiser's success would have been greater had he been able to win the support and confidence of the people, and there is no mistaking the fact that they are right; there may be others who, not without reason, criticize Doctor Heiser for his conspicuous proneness to forget the native element and to minimize the merits deserved by his Filipino assistants; but when his work is reviewed as a whole, when results are taken together, when we overlook the serious shortcomings of his temperament, and see naught but the immovable, severe executive officer, one who is constitutionally unadaptable to our local surroundings and who is even tyrannical, then we must perforce own that Doctor Heiser is and has been a valuable factor of progress and of the material development of these islands.

"In the name of the people it represents, *El Ideal*—which has many times criticized him sharply, but with conviction and honesty—is glad to express to him its highest tribute and its most cordial esteem. Let us all wish that in his future enterprises he may not be forsaken by the courage, the industry and the spirit of loyalty to duty which have marked his long and brilliant administrative career as Director of Health."

I am inclined to believe that the ingrained antagonism of the native papers toward the secretary of the interior accounted for many of the attacks on the director of the Bureau of Health, which was in the Department of the Interior. A side light is thrown on Filipino political methods by the custom of the editors to warn Doctor Heiser of an impending onslaught and assure him that nothing personal was intended.

may call the natural state, is not in itself unhealthy, but it is the home of the bacilli and of the vermin-bearing animals. Cleanliness is therefore the primary object of the sanitarian. Manila is to-day the cleanest city in the Far East, but this result has not been reached without many heart-breaking experiences. Great progress has been made in teaching the people how to dispose of and care for human waste.[13] The collection and disposition of garbage and waste is a difficult problem in any city, one requiring much scientific consideration; in the tropics it is peculiarly troublesome. Until recently in Manila each householder was required to provide himself with a garbage can of approved design and construction and the collection was made by the city. But many of the people were too poor to purchase the receptacles and either appropriated those of their prosperous neighbors or used such boxes, cans and baskets as were available. The system was so unsatisfactory that the city finally adopted the plan of furnishing the receptacle at a small yearly rental and letting the contract to collect and dispose of the garbage to a private concern which uses modern appliances and converts the refuse into something of value.

At a cost of approximately two million dollars a modern sanitary sewer system has been installed in Manila, but prior to 1914 its general use was delayed by short-sighted householders who contested the right of the government to compel them to make the necessary connections.[14] Supplemented by a pail system, the new sewer has solved the difficult problem of the disposal of human waste. The filthy latrines and cesspools have been replaced by modern flush closets and public rest and comfort stations are being installed as rapidly as possible. The public dance halls which have been important factors in the spread of communicable diseases are now subject to the control and inspection of the health officers.

[13] The objectionable custom of using human waste as a surface fertilizer for vegetables, resulting formerly in the increase of the death rate by several thousand each year, has been made illegal.

[14] The system was completed in 1909. The injunction obtained in 1910 was finally dissolved by the Supreme Court in 1913.

The private washerwoman has always been a prolific carrier of germs and many a case of troublesome dobe itch and even worse disease has been due to the picturesque but unsanitary custom of using the river shore for a laundry as well as a swimming place for men and beasts.[15] Public laundries are now being established. The jails and prisons which, under the old régime, were vile beyond description have been cleaned up, sanitary equipment installed, and the loathsome skin diseases formerly prevalent among prisoners have disappeared. Most of the jails in the provinces are now inspected a number of times each year by the director of health. Systematic exercise by the prisoners is enforced in all provincial jails as well as in the central Bilibid prison. The death rate among the Bilibid prisoners has been reduced from seventy-eight to thirteen per thousand. In July, 1910, the old cemeteries of Manila were closed and all bodies not cremated must be buried in the modern Del Norte Cemetery or in the adjoining new Catholic cemetery of Lalomboy. Streets and alleys have been cut through the congested sections of the city so that all houses may be approached from the front and the low-lying poorer sections of the city are slowly being filled to an established level and rebuilt with small model houses. Thousands of small houses have been removed from low disease-infected to sanitary sites. In the sections of the city where housing conditions have been improved there has been a marked improvement in the general health of the people.

The old markets were an abomination. Constructed generally of wood and bamboo with thatched roofs and dirt floors, they were prolific breeding places of vermin and insects. Under such conditions it was impossible to enforce sanitary rules. In most of the larger towns reinforced concrete public market buildings with concrete floors and stands have now been constructed. Early in 1912 the legislature authorized the loaning of a certain portion of the Gold Standard Fund to provinces and municipalities

[15] Private steam laundries have been established in Manila, but most American families maintain a *lavendara,* among the other numerous household servants.

for the construction of public works of a remunerative character and the markets built with the proceeds of these loans have proved extremely profitable, in some instances earning four hundred per cent. per annum without any increase in the unit space rental price. In order to secure such a loan standard conditions as to location and construction must be complied with. The market site must contain not less than two and one-half acres of land with distinct boundaries and be convenient of access. The main central building must be from thirty-six to ninety feet in width with length in proportion, with the required stores and stalls so arranged that they can be securely closed and locked. The tables from which foodstuffs are sold must be of concrete and the contents always visible to inspectors. Most of the new buildings are roofed with tiling and present an attractive appearance.

In Manila all the markets have been modernized. Only fresh meat, fish, poultry and green stuff may be sold. The meat must be kept in screened cages made of copper wire to which only the vender has access.

The public markets are vastly important factors in the lives of the people and their maintenance in a cleanly sanitary condition is of vital importance to the health of the community.

The *esteros* have been cleaned and put in reasonably good condition. The ancient moats of unsavory memory have been converted into beautiful parks and attractive playgrounds for school children.

The extent to which adulterated drugs and articles of food were formerly sold to the Filipinos is almost inconceivable[16] and it is certain that much of the illness that has commonly been attributed to the climate was caused by the chemicals in the food products prepared by foreign manufacturers for the use of the residents of tropical countries. Conditions are being revolutionized under the Pure Food and Drugs Law which is now strictly enforced. The Act of Congress of June 30, 1906,[17] which is in

[16] See an article by Doctor E. C. Hill on "Colorado Medicine," quoted in *Rept. Bureau of Health*, 1908.

[17] 34 Stat. L. 768, *Fed. Stat. Ann.*, Supp., 1909, p. 136.

force in the insular possessions, makes it a crime to manufacture within any state or territory any article of food or drug which is adulterated or misbranded, or to introduce the same from any foreign country or to ship or receive the same from any state or territory. As the act did not provide all the machinery necessary for its proper enforcement in the Philippines, the commission enacted a law which embodies all the provisions of the congressional statute, with such additions as were required by the local situations.[18] This law is administered by the director of health with the advice of a Board of Food and Drug Inspection, the members of which are selected from other interested bureaus.

Probably nowhere else has so much injury been done by the sale of fake nostrums as in the Orient, where the people are very credulous and susceptible to the influence of advertising.

It has so far been found impossible to provide an adequate safe milk supply for Manila. The natives ordinarily use the milk of the goat and *caraballa,* the water buffalo, and the cows from which milk is furnished to Americans and Europeans are generally kept beyond the city limits under conditions which make proper inspection almost impossible. The Jersey cows kept and petted by the fortunate few are great luxuries. Americans use the various brands of canned milk which is imported in vast quantities. But it is the poorer class of Filipinos, particularly the children, who suffer from unhealthy milk. The milk of the *caraballa* is rich in fats and is often diluted with bad water, the proportion of proteids being secured by the addition of rice, flour and cocoanut oil, resulting in a most unsanitary mixture. One specimen examined contained 62,391,600 bacteria per cubic centimeter. In 1906 a voluntary society of ladies, organized to supply pure milk for infants, known as the *Gota de Leche,* which had existed for several years, was, at the instance of the Woman's Association of Manila, incorporated as *La Proteccion de la Infancia* and it now receives some financial aid from the government. But such organizations can affect conditions but little and until the situation is such as to justify the government in forbidding

[18] Act No. 1651.

absolutely the sale of any but sterilized milk it is certain that many hundreds of the people of Manila will find the seeds of disease in the milk supply.

Recently Mr. Nathan Straus of New York donated a milk sterilizing outfit to the *Gota de Leche* and the legislature appropriated the money necessary for its installation. Here again we find an illustration of the rule that public health is a purchasable commodity. By the expenditure of a definite sum of money a definite lowering of the death rate can be produced.

The drinking of bad water has caused more illness in the Philippines than all other acts combined. The natives, rendered measurably immune by generations of experience, drink what is called unpolluted water with comparative safety, but very few wells and streams are unpolluted. There is no water in the islands that an American can drink with safety in its natural state. Even the cool gushing mountain springs are liable to contain the germs of the amœbic dysentery which, probably more than any other disease, has been the greatest obstacle in the path of the white man in the tropics.

The Americans soon learned to drink only distilled or boiled water, but a long and strenuous campaign of education was necessary to convince the common Filipino people that most of the diseases from which they suffered were due to drinking bad water. In the provinces good water could seldom be secured, but it could always be boiled. Manila had a fairly good but inadequate and unsafe water system. In the eighteenth century a Spanish philanthropist named Carriedo left a sum of money with directions that it should be allowed to accumulate until it was sufficient to provide a system of water-works for the city of Manila. The system was installed in 1884 and thereafter the city was supplied with water taken from the Mariquina River at Santolan. But as the supply was insufficient for the new city and the source was subject to pollution, an entirely new system was installed by the American government and opened in 1908. The water is now taken from the Mariquina River at a point sixteen miles above Santolan and about twenty-five miles from

Manila, where, at an elevation of two hundred and twelve feet above sea level, the river has been dammed and a reservoir with a capacity of two billion gallons created. From there the water is carried by gravity into a distributing reservoir from which it flows by means of the old system and its extensions throughout the city. The old reservoir, the San Juan *Deposito,* with a capacity of sixteen million gallons, has been retained as a reserve. The first year after the water from the new reservoir was used the deaths in Manila from gastro-intestinal diseases were reduced by about one thousand. In the spring of 1912 a break in the dam necessitated the temporary use of the water from the old *deposito* (which had been taken from the river at the old intake near Santolan) and the deaths from such diseases immediately increased but decreased at once when the new system was again in operation. But unfortunately, owing to hasty construction, the new system has proved inadequate and every year Manila is threatened with a shortage of water which makes it necessary to use the auxiliary Santolan pumping station, with a resulting increase of the death rate varying from one hundred and fifty to two hundred per month. It appears that there are fissures in the bottom and in the cliffs which form the sides of the new reservoir, which should have been discovered by the construction engineers, through which probably one-half of the accumulated water escapes.[19] This has been partially remedied by the construction of a flume which carries the water from a point above the leaks to the main pipe below.

A modern system of water supply has also been installed in the city of Cebu and less elaborate systems in other places. In some towns good water is now brought down from the mountains through simple bamboo pipes.

But the great and future supply of pure water is the artesian wells which are being opened in all parts of the islands. These

[19] The Spanish engineers were always too slow, the American too anxious to complete their work. If proper preliminary investigation had been made the cracks and fissures would have been discovered.

wells have been probably the most efficient single agency in the health campaign. Fortunately it is possible at a reasonable cost to find pure artesian water almost anywhere in the lowlands by sinking a well to a moderate depth. Some are flowing wells, others require pumping. In 1905 two artesian wells were in use; now more than one thousand are in operation and the work of construction continues as rapidly as money for the purpose can be obtained. Wherever an artesian well is installed the death rate is immediately reduced.[20]

Any water can be rendered safe by boiling, and as fire and a kettle are always available, there is no excuse for illness contracted by drinking polluted water. The utmost care has been taken to teach the native this simple method, but the effect of boiling is frequently nullified by some such act of stupidity as cooling the sterilized water with additions from the well. It has been found very difficult to enforce the ordinance which requires the use of sterilized water only in restaurants, soft drink establishments and other public places. At present licenses are granted only to places that have apparatus for boiling water, or use water obtained from the government ice plant.

Until recently the government has sold distilled water for drinking to the public and those using it have been free from amœbic dysentery. But owing to the fact that distilled water does not contain the salts found in ordinary water its continuous use was found inadvisable and artesian well water has been substituted.

By the most strenuous efforts the ravages of cholera, smallpox and plague have been reduced to a minimum, but all except possibly the plague are endemic in the islands. The bubonic plague appeared in Manila in 1899 and between that time and 1906 there were 744 deaths. There were fifty-nine deaths in Manila in 1913. Since that time sporadic cases have appeared, but no cases have

[20] In 1911 it was found that some of these wells were infected with amœbæ. It was probably due to the pump having been carelessly primed with contaminated water, thus again illustrating the fact that in the East eternal vigilance is the price of safety.

appeared anywhere in the islands since 1914. It is believed that the disease has been completely obliterated, although it is liable to reappear at any time.[21] Epidemics of cholera had been frequent before the arrival of the Americans.[22] Between 1902 and 1904 a serious epidemic taxed all the resources of the government, the deaths between March, 1902, and April, 1904, amounting to 4,386 in Manila and 105,075 in the provinces. It was only by the strictest enforcement of quarantine and sanitary regulations in the face of much opposition that the epidemic was finally suppressed.[23] About a year later it broke out anew. It was impossible to determine whether it had been reintroduced from Asia or whether it had remained latent in some form during the year and a half in which no cases were detected. During the outbreak of 1902 the natives showed a fatalistic indifference to the measures taken for their protection, preferring to rely on nightly religious processions. But the campaign of education then conducted convinced the more intelligent that they could avoid the disease by cleaning their habitations, eating only hot food and drinking water that had been boiled. They learned that the germs could be taken into the system through the mouth only and that they were easily killed. By the time of the second epidemic the health authorities as well as the people had been educated in methods of attack and defense and it was finally suppressed, after there had been 22,938 deaths out of 34,238 cases. Again, in 1908, there were 18,811; in 1909, 7,306; in 1910, 6,940; and in 1911, 203 deaths. From 1911 until 1913 there seems to have been no cholera in the islands. In the latter year it reappeared and in 1914 and 1915 there were many cases. The fact is that cholera is generally, if not always, present in the

[21] For a description of plague in the Philippines, see an article by Doctor Heiser in the *Philippine Journal of Science,* Feb., 1914. See also *Rept. Bureau of Health,* 1906, p. 30; *Rept. Bureau of Health,* 1912, pp. 68-71.

[22] The Spaniards and Filipinos accepted the dangerous theory that cholera is an air-born disease. A circular of instructions issued by the Spanish government in 1888 will be found in the *Annual Report of the Commission of Public Health,* Sept. 15, 1904.

[23] *Rept. Com. Pub. Health,* Sept. 15, 1904, pp. 44-69. For a history of this outbreak and the methods used by the health authorities, see Worcester, *History of Asiatic Cholera in the Philippine Islands* (1908).

islands and it is only by the exercise of the utmost vigilance that it can be prevented from becoming epidemic.[24]

Smallpox has been practically eradicated by the thorough and systematic vaccination of the entire population. "It seems almost incredible," says Doctor Heiser, "that in spite of the absolute proof that effective vaccination practically makes smallpox impossible, there should still be dissenters." An idea of the magnitude of the work of vaccination is conveyed by the fact that during the year 1908, 1,686,767 persons were vaccinated. During the first nine months of 1914, 1,540,913 persons were vaccinated in the provinces and 79,640 in Manila. Since 1898 a total of 20,000,000 vaccinations have been performed. At first much of the work was done by local native health officers, but satisfactory results were not obtained until it was placed under the direct control of the director of health. The disease still occurs among unvaccinated children and other unprotected persons, due generally to neglect to carry out the regulations of the health authorities. Before the American occupation the deaths from smallpox averaged forty thousand a year. Six thousand were dying annually in the provinces near Manila! The year after the inhabitants were vaccinated there were no deaths from smallpox. No case has occurred in Manila since 1910, and but few in the provinces.[25]

The manner in which leprosy has been handled in the Philippines is of special interest.

The first international conference on leprosy, which was held at Berne in 1897, reported that the system of isolation which had been introduced in Norway was the only known method of checking its spread. The second conference, held at Bergen two years later, admitted that none of the numerous remedies and methods of treatment which had been tried had been successful, and again approved the policy of isolation which then had

[24] The *Report of the Philippine Health Service* for the third quarter, 1915, shows 2,391 deaths from cholera in the islands during the previous year.

[25] See "Smallpox and Vaccination in the Philippine Islands," *Public Health Reports,* XXVI, No. 10 (1911); "Notes on Smallpox and Vaccination in the Philippines," *Public Health Reports,* XXVI, No. 15 (1911).

been introduced into Germany, Sweden and Iceland, as well as Norway. The resolutions which were adopted made no reference to what had been done in the Philippines, although Sir Allan Perry, the principal medical officer of Ceylon, stated in an address delivered in Manila in 1910 that it had been his privilege two years before, "to see some of Dr. Heiser's work in the management of leprosy in the Philippine Islands, and after attending the Bergen Conference last year I was impressed by the fact that the government of the Philippines had anticipated the measures recommended by the members of that conference by some years."[26]

The disease is said to have been introduced into the Philippines by a sort of Trojan horse performance which has its amusing as well as tragic elements. The Spanish missionaries were endeavoring to extend their work into Japan and the shogun either out of good will or with malice aforethought loaded a ship with lepers who could well be spared from his abundance and sent them with his compliments to the friars at Manila. They were of course accepted and cared for, but as no precautions were taken to prevent the disease from spreading, it was soon common in all parts of the Archipelago. The new field thus created for charitable work was assigned to the Franciscans and during the entire Spanish period they were in charge of the work of caring for the lepers. For a time the afflicted were admitted to a hospital in Manila, but upon the expulsion of the Jesuits after the departure of the British in 1763, their estate at San Lazaro was sequestrated and turned over to the Franciscans with the understanding that they should maintain thereon a leper hospital. In addition to the San Lazaro Hospital the Franciscans in later times maintained smaller establishments of a similar nature in Cebu and Nueva Caceres. Some of the larger municipalities also established leper camps in their suburbs. All of this work was charitable in character and the effect of the partial segregation on the public health was merely incidental. The friars were car-

[26] *Philippine Journal of Science,* section B, Aug., 1910.

ing for the lepers merely as unfortunates who were entitled to their kindly ministrations.[27]

Leprosy spreads by contact, and by the time of the American occupation it had become common in all parts of the islands. San Lazaro is near Manila and during the exciting times just prior to the capture of the city the friars abandoned their charges, who wandered away and concealed themselves in various places throughout the city. The provost-marshal placed an official in charge of the hospital and most of the lepers were soon gathered up and returned to their quarters.

It was recognized that better means must be provided for isolating these unhappy people. Although the number of lepers in the country was indeed greatly exaggerated, the disease constituted a serious menace to public health. The idea of a colony was entertained from the beginning. In the first report of the Board of Health it was said: "The desirability of establishing a colony where persons in the early stages of leprosy can have a home, cultivate the soil and in general lead a free out-of-doors life instead of being practically in prisons and compelled to pass their days in company with fellow-unfortunates in the last stages of this horrible disease, has long been appreciated by both military and civil authorities." The search for an island suitable for such a colony resulted in the recommendation by a military board of Caygayan de Sulu, but it was soon evident that the estimates submitted of the number of Moro inhabitants on the island was erroneous and also that the water supply was inadequate. A new board appointed by the commission after a careful examination recommended the island of Culion in the Calimianes group, about two hundred miles southwest of Manila, "on account of its healthful climate, rich soil, extensive cattle ranges, abundance of water supply, good harbors and small population." This report was approved and fifty thousand dollars were appropriated by the commission for the purpose of erecting warehouses and suitable buildings for hospital purposes at a place called Halsey Harbor.

[27] Manuel Rogel Lebras, *Lepra en Bisayas,* Manila, 1897.

Because of the prevalence of plague and cholera in the islands it was found impossible to commence construction work until late in the following year and then, after several thousand dollars had been expended, it was found necessary to abandon the Halsey Harbor site because of the inadequate water supply, and to locate the colony on the site of the old town of Culion.[28] The property of the few inhabitants of the town was then purchased and a new town site was laid out. By May, 1906, accommodations had been provided for six hundred persons. It was estimated that there were then five thousand lepers in the island and to maintain that number at Culion would cost the government about four hundred thousand dollars annually. Funds for such an elaborate project were not available and the work of collecting the colonists progressed slowly.

As the work, to be effective, required the arbitrary disregard of ordinary personal rights, the commission enacted a law which authorized the apprehension, detention, segregation and compulsory treatment of lepers and made it the duty of insular, provincial and municipal officers to cause any person believed to be a leper to be arrested and turned over to the health officers. To conceal a leper was made a crime. As there was great danger that such a law would be abused, it was provided that mere suspects should not be taken away from their homes until their cases had been carefully considered and the diagnosis confirmed by bacteriological methods. It was found that in some instances individuals and communities were inclined to take advantage of the facilities thus afforded to dispose of their insane, blind, crippled and other incurable dependents, as well as lepers.[29]

As the work of collection progressed it appeared that the number of lepers in the islands had been greatly overestimated, as not more than one-half of those reported as lepers were found to

[28] Doctor Mercado, one of the leading Filipino officers of the Bureau of Health, has recently asserted that after all that has been done, Culion is unsuited to the purposes of a leper colony. *El Ideal,* June 14, 1916.

[29] Ex-Secretary Worcester says that the natives were inclined to fear the Filipino examiners and to ask for the services of Americans. It is sometimes impossible to determine whether a suspected person is a leper. See Doctor Heiser's article in *The World's Work,* Jan., 1916.

be suffering from the disease. Notwithstanding the inadequacy of funds available, by 1910 Doctor Heiser was able to report that with the exception of a few isolated cases practically all the lepers outside of the Moro country had been segregated, but that new cases must be expected to develop for some years to come. As 795 lepers were admitted in 1913, and 837 in 1914, it seems that the new cases developed more rapidly even than was expected. In 1914 the records of the colony showed that 8,502 persons had been admitted, that 5,204 had died, and that 3,298 remained.[30]

This leper colony is the largest of its kind in the world and is interesting as a sociological as well as a medical experiment. The town is laid out with regular streets, blocks and squares, and is organized with a simple municipal form of government in which the colonists have as large a part as possible. It is situated on high ground and looks out over the sea. Good water is supplied from a reservoir into which it is pumped from a spring and from which it is carried by pipes to all parts of the town. Ample bathrooms and modern flush closets are supplied. A complete sewerage system carries all waste through septic tanks to the sea. The buildings, many being of reinforced concrete construction, are substantial and comfortable and adapted to the climatic conditions. There is a good church building, town hall and suitable residences for the *presidente* and councilmen. A police force selected by the *presidente* from among the colonists maintains order and sees that the ordinances and sanitary regulations are obeyed. The American superintendent has the powers of a justice of the peace. The colonists elect their principal officers and thus practically govern themselves.

It was at first thought that some form of industry could be developed which would provide the colonists with occupation and make them at least partially self-supporting, but this idea had to be abandoned. The most that the people are able to do is to raise a few chickens and pigs and cultivate small gardens. They traffic among themselves and for their accommodation a special coinage of aluminum has been struck which represents actual

[30] A few had been discharged as apparently cured.

value, being redeemable in real money. Everything possible is done to make life pleasant for the people who seem marked by fate for death. They have their social amusements and live the life of an ordinary Filipino community. A brass band composed entirely of lepers furnishes the musical element so necessary to the happiness of the Filipino.

The segregation of lepers protects the general community from contagion and instead of living as beggars and outcasts the unfortunates are protected and cared for by the state. The continuance of the present policy for another decade should free the Philippines from one of its ancient scourges. But it will take longer than was expected, as the new cases continue to develop in surprising numbers. No certain remedy for leprosy has been discovered, but the treatment by a hypodermic injection of a mixture of chaulmoogra oil has given encouraging results, and experiments with it are being conducted at Manila and by the United States Leprosy Investigation Commission in Hawaii.[31]

The present stage of the chaulmoogra oil treatment "does not warrant the belief that anything like a specific for leprosy has been found, but experience does show that it gives more consistently favorable results than any other that has come to our attention and it holds out the hope of further improvement. The situation may be summed up as follows: it produces apparent cures in some cases, causes great improvement in others, and arrests the progress of the disease in every instance in which we have tried it."[32]

[31] In 1908 the Bureau of Science succeeded in cultivating the leper bacilli in artificial media and it was hoped that it would lead to the discovery of a serum or vaccine. See "Experiment in the Cultivation of Bacilli Lepræ," by M. C. Clegg, *Philippine Journal of Science,* Section B, April, 1909, and Dec., 1909, and *Reports Bureau of Health,* 1910 and 1913. It was thought for a time that the X-ray treatment would be effective, but this, too, proved to be a disappointment. Chaulmoogra oil is obtained from a tree which is indigenous to India. The people of the East have always claimed that this oil would cure leprosy. The difficulty was that after a time it produced nausea to such an extent that the patient could not take it. It is now mixed with camphorated oil and resorcin and given hypodermically, and all the progress is due to this change of method. See *United States Public Health Reports,* Supp. No. 20, Oct. 16, 1914; *American Journal of Tropical Diseases* for Nov., 1914; *The World's Work,* Jan., 1916, p. 310.

[32] Doctor V. G. Heiser, "Fighting Leprosy in the Philippines," *The World's Work* for Jan., 1916.

Recent investigations show that beriberi, which has been one of the worst diseases of the East, is caused by the excessive use of polished rice, and little else, as food. It has been thought that the disease is peculiar to the tropics, but it now appears that it prevails there simply because the people live almost exclusively on rice from which certain elements essential to health have been removed. Europeans who use a diversified diet, of which polished rice forms a reasonable part, never suffer from beriberi. The disease has prevailed in the rice-eating East for centuries. During the Chino-Japanese war of 1894, nearly one-half of the Japanese soldiers had beriberi, and in the Russo-Japanese war eighty-five thousand cases were reported.

The experiments of Fraser and Stanton in the Straits Settlements, and Arons and others in the Philippines, demonstrate that beriberi may be prevented by the substitution of unpolished for polished rice,[33] or by a diversified diet which supplies the element which is absent in polished rice. The people are slow to recognize this fact, but they are being educated to the use of the more nutritious article. Before the unpolished rice was issued, and the government now issues no other, there were nearly a thousand cases of beriberi each year among the United States Scouts, and from sixty to eighty deaths per month at the Culion Leper Colony. Now beriberi has disappeared from Culion and the army is free from it. The practical eradication of this disease is one of the greatest triumphs of medical science in the Orient.

The appalling mortality of children under five years of age is not peculiar to the Philippines. Conditions there are not much worse relatively than in many other parts of the world. Nevertheless at present more infants die out of every hundred born in the Philippines than out of a thousand born in Australia. The lives of a large proportion of these children could be saved if the necessary money was available. There is at present an active world-

[33] *Rept. Bureau of Health,* 1913, pp. 105-110. The government at one time contemplated legislation regulating the importation of polished rice, but this will probably be unnecessary. It is not the polished rice, but its excessive use, to the exclusion of other articles, that causes the disease. See Graham Lusk, *The Fundamental Basis of Nutrition,* New Haven, 1915.

wide movement for the protection of children, and the government of the Philippines is doing all it can with the money at its disposal. Some progress has been made and the mortality has been greatly decreased. The recent rather discouraging report to the legislature by a special committee, composed of some of the most experienced medical men in the Orient, shows that not until the conditions of life among the poor are materially improved can the evil be remedied. According to this committee, "seventy-five thousand babies are to-day nursing poor quality of milk from under-nourished and sick mothers, and another fifty thousand are eating dangerous and poisonous mixtures given in the name of food. Many of these babies, even in the city of Manila, are being fed mixtures so badly contaminated that ten drops of the food injected into a Guinea pig causes the death of the animal from blood poisoning within forty-eight hours."[34]

It is evident that the work of the American health authorities in the Philippines is not yet completed.

Notwithstanding all that has been done, health conditions among the Filipinos, when compared with what they should be, are far from satisfactory. But little has been done to eradicate the hook-worm, with which great numbers of the natives are affected and which is doubtless the cause of much of their indolence and lack of ambition.[35] Tuberculosis, malaria, beriberi and intestinal diseases are still responsible for many deaths annually. Americans suffer much from dengue fever.[36] Recent outbreaks of bacillary dysentery are due entirely to the use of bad water, uncooked vegetables and uncleanliness in the preparation of food. The dread amœbic dysentery is now being treated successfully. Very little provision has been made for the care of the insane. The fight against tuberculosis has been begun by private organ-

[34] This committee was composed of Doctor W. E. Musgrave, chairman; Doctor Luis Guerro; Doctor Proceso Gabriel; Doctor Joaquin Quintos and Doctor José Albert. For the report, see *Rept. Bureau of Health,* 1914, p. 10.

[35] For a description of this disease, see *Rept. Bureau of Health,* 1908, pp. 60-69.

[36] A very troublesome but not deadly fever. See *Phil. Journal of Science,* Sec. B, May, 1907, p. 93. For an account of dengue fever in Indo-China, see *Phil. Journal of Science,* Sec. B, Feb., 1909.

izations with some government aid, but little can be accomplished without the expenditure of much money. This is also true of typhoid. The suppression of malaria is merely a matter of killing mosquitoes, and the campaign against them and the almost equally dangerous house fly is being energetically conducted.[37]

The death rate in Manila has been greatly reduced by draining the lowlands, spraying the places where mosquitoes breed, and supplying the people with quinine. Towns formerly notorious for malaria are now almost entirely free from it. By lectures, pictures and circulars the public is slowly being made to understand the deadly character of these pests and the necessity for sleeping under mosquito nets. To the best of their ability they are cooperating with the authorities in the work of destroying the breeding places of the mosquitoes. But constant pressure is necessary to keep the people from neglecting the most ordinary precautions. By systematic work myriads of plague-bearing rats have been destroyed,[38] and the construction of rat-proof buildings only is now permitted in Manila. The discovery by Doctor Richard P. Strong that salvarsan is a specific for the yaws, a disease resembling syphilis which has been very prevalent among the mountain people, has relieved many sufferers.[39]

The Filipinos are an underfed and insufficiently nourished race. It was found in Manila that thousands of children came to school without breakfast. A system of school lunches was provided in connection with the teaching of hygiene and domestic science, and for two cents a child was given a bowl of hot soup or stew, a buttered sandwich and a piece of cake or a dish of ice-cream. For the most of them it was the most wholesome meal of the day. During 1912, twelve thousand of these lunches were served daily in the primary and intermediate schools, and at the end of the year the medical inspector reported an improvement of

[37] The yellow fever has never appeared in the Philippines, although the mosquito which carried it is present. It has been feared that the opening of the Panama Canal might bring the disease to Manila.

[38] In Manila during the fourth quarter, 1914, 21,772 rats were caught by traps and poison. The third quarter, 1915, yielded 171,184. After years of active work the rats still seem to be numerous.

[39] See *Phil. Journal of Science,* Sec. B, Oct., 1907.

ninety per cent. in the health of the children. Improved material conditions, physical exercise and a diversified diet have already produced an improvement in the physique of the new generation. The death rate has been very materially reduced, that among white men in Manila being about the same as in such cities as Minneapolis.

What has been accomplished has been in the face of many serious difficulties. We have noted the health and sanitary situation which existed at the time of the American occupation, due to ignorance, indifference and conditions inherent in a tropical environment. The prejudices, superstitions and ignorance of the people were formidable obstacles to the introduction of modern methods. It was a fertile field for the medicine man, the fake healer and the vender of nostrums.

Sanitary rules are useless unless backed by the power and will to compel their enforcement, and punish their breach, which means infringement on the assumed rights of men to do as they please on their own premises. A health officer is necessarily something of an autocrat if not even a tyrant. He sometimes abuses the power with which it is necessary to invest him. The temptation to do so is peculiarly strong when white men are dealing with an inferior and less informed race of people. The mere fact of the superiority of the governors is irritating to the governed and when arbitrary power is absent infinite tact and judgment are necessary to secure results.

The Filipinos regarded many of the strict rules established by the health officers as unnecessary and devised merely to render them unhappy. The native papers took the same attitude and demanded that the enforcement of health regulations should be left more to the local native officials. Whenever that was done the rules were not enforced. It was of course necessary, under the circumstances, to use native officials, particularly in the provinces, and some of them proved willing and efficient. Generally, however, they could not, and can not at present, be trusted to brave public sentiment at the expense of personal unpopularity. It requires more nerve than the average native officer possesses

to order a Filipino provincial governor to clean up his premises. A number of skilful Filipino health officers have been trained, but the experience of nearly two decades has shown that only with strict American supervision can what has been gained be held and further advance be made.

The Moros have been even more difficult to reach than the head-hunting tribes of northern Luzon. They suffer from malnutrition and the diseases which are fostered by filth and negligence. Malaria, hook-worm, dysentery and various skin diseases are very common. Dispensaries have been established in Mindanao and Jolo, but the people who are scattered over the small islands of the Sulu Archipelago can only be reached by a hospital ship. Through the influence of Doctor Heiser, who is now director for the Far East of the International Health Board of the Rockefeller Foundation, funds were obtained to provide such a ship, and arrangements have been made for its equipment and operation at the joint expense of the board and the Philippine government. The ship will visit the principal towns at regular intervals, give out patient treatment and general instructions to the people. The seriously affected will be transferred to the base hospitals at Zamboanga and Jolo.[40] This work will undoubtedly greatly influence the attitude of the Moros toward the Americans.

The new Public Health Law,[41] under which the service has

[40] *Annual Report, The Rockefeller Foundation,* 1915, p. 77.

In commenting on this project the American press has shown a disposition to underestimate the work done for the Moros by the civil and military authorities. For the last ten years the majority of the Moros in the great island of Mindanao have been peaceful and orderly. They should be distinguished from the Moros of Jolo (which is a small island) and the islands to the southward.

In a private letter of December 2, 1916, Dr. Heiser says: "The effort which it is proposed to make is in the nature of a new departure in dealing with the Moro situation. Several years ago dispensaries were established throughout the main island of Mindanao and their success was so very great that it was deemed desirable to come in more direct touch with the 300 or more islands which make up the Sulu Archipelago. As you know, these islands have had practically no contact with the outside world and they are inhabited largely by Moros who are more or less of a piratical character. It was thought that by the hospital ship . . . a point of contact might be established with these people which would eventually lead to the opening of schools and thus bring them gradually to the ways of peace and civilization."

[41] Administrative Code, Title VII, Sections 746-942 (1916).

been reorganized, has many good features, but it has some provisions of doubtful value. Under it the chief, who is now called the director of health, may be invested with emergency powers in localities threatened with an epidemic, by an order of the governor-general, and authorized to prescribe such regulations as are necessary, which shall have the force of law.

The service is administered by the director under the supervision of the secretary of the interior and with the advice and assistance of a council of hygiene composed of a professor of the College of Medicine and Surgery of the University, a professor of the medical faculty of the University of Santo Tomas, a member of the *Colegio Medico-Farmaceutico,* a senior officer of the Philippine Health Service, one attorney-at-law and one other person who shall be an owner of real estate in the islands,—all appointed by the governor-general on the nomination of the secretary of the interior. The president of this body receives a salary and the appointed members who are not government employees receive ten dollars for each meeting attended.

This formidable body, so suggestive of Spanish times, is authorized to conduct investigations, prepare drafts of laws, measures relating to a long list of subjects, and perform certain services with the approval of the director of health. It is merely an advising body with no real authority.[42]

The Public Health Service, as it is called, is given a sort of military form, and all the officers whose duties require professional skill in medical science, are graded in a commissioned and uniformed service, as senior medical inspectors, medical inspectors, senior surgeons and surgeons.

The islands are divided into health districts designed each to include a province, in each of which there is a health officer who represents the service, under whom such additional officers as are necessary may be assigned. Provision is made for a munici-

[42] This council is intended to operate as a check on the director of health, and his efficiency will be impaired exactly in proportion to his fear of adverse local sentiment as expressed by that body. The statement by the director in the report for the first quarter of 1916, that he devotes a paragraph to its work "with the previous consent of the president of the council" suggests a degree of deference which is not reassuring.

pal board of health in each municipality, composed of a registered physician as president, a school-teacher appointed by the division superintendent of public instruction, the municipal secretary, and a member chosen by the municipal council. If there is a resident pharmacist, he must be appointed an honorary member by the president, but without a vote.

Municipalities may be combined into sanitary divisions with a president appointed by the director of health, who exercises general supervision over the hygienic and sanitary conditions of the division. Each district shall have one or more sanitary inspectors appointed by the provincial board.

Each provincial board and each municipality embraced in a sanitary division is required to set aside from five to ten per cent. of its general funds for a "health fund," which shall be deposited with the provincial treasurer and used to pay the salaries and expenses of officers and employees of the sanitary districts, the purchase of medicines and supplies, and other expenses incurred in carrying out the law.

The director of health is required to draft health ordinances on subjects designated in the law, for the city of Manila, which the Municipal Board is required to enact voluntarily or when directed to do so by the governor-general.

The organization is an excellent one, but its effectiveness will depend upon the firmness of the men by whom it is administered.

CHAPTER X

The Philippine Schools

American Educational Theories—Belief in Education of Masses—Training a Governing Class Only—Spanish Theories—Filipino Social Organization—Education for the Select Few—The Attempt to Establish Public Schools—Its Partial Success—Ecclesiastical Control—Introduction of Popular Government—Choice between Evils—Educational Work of the Army—The Commission Takes Charge—Department of Public Instruction—The General Policy—Secularization of Schools—Religious Instruction—Adoption of the English Language in the Schools—Its Justification—American Teachers—Training Native Teachers—Classification of Schools—Secondary Schools in Provinces—Local Enthusiasm for Education—Division of School Funds—New Text-Books—Stress on Industrial Training—Difficulties Encountered—Prejudice Against Manual Labor—Results—Teaching Athletics—The *Pensionados*—Housing the Schools—The Courses of Study—Special Insular Schools—The University—Bureau Schools—The Cost of Education—Number of Pupils—Schools for the Wild Men—Education of the Moros—Demand for Compulsory Education—Dangers Ahead—Comparisons.

There were many scoffers in Iolcus when the Argo, with Jason and his fifty heroes, sailed for Colchos in search of the Golden Fleece; so the cynics smiled when the United States Transport *Thomas,* with its load of school-teachers, passed through the Golden Gate and sailed for Manila. Soldiers, sailors, colonists, convicts, adventurers, merchandise, arms, rum and missionaries had often been sent to colonies; never before a full cargo of school-teachers. But the Argonauts brought back the fleece in spite of the fire-breathing bulls and the crop of armed men, and the teachers, under conditions as difficult though less romantic, bid fair to destroy the dragons of ignorance and superstition which for so long have flourished in the East.

A country reflects its national ideals in its methods of colonization. The American policy rests on the principle that the solution of economic and political problems will be found in the general education of the mass of the people. We have out-

lived the conviction that a republican form of government is necessarily the best for all people at all times, without reference to their experience, characteristics and intelligence. It may be something to be labored for, an inspiration, a goal. But an ignorant people will always be an incapable, inefficient and an oppressed people. The higher education of the select few will never save a democracy. The history of all the republics founded on the old Spanish colonies proves conclusively that the education of the masses is essential for a self-governing people.

In dealing with dependent and backward people the liberal monarchial states in which representative government exists assume that the primary object of public education is to train the men who are to govern the masses. This idea has dominated the educational work of England in India, Egypt, and in the Crown colonies. Writing of education in Egypt, Lord Milner said:[1] "The Government is still far from being in a position to offer a decent education to the majority of the inhabitants. . . . Egypt has yet to create a native professional class. She has yet to educate the men who are destined to fill the government service. When these urgent needs have been supplied, *it will be time enough to think of general public instruction.*"[2] The stress is thus placed on higher education for the few and primary education for the masses is either neglected or postponed until law, order and material prosperity have been established.

The Spanish ecclesiastical methods accentuated the worst feature of an aristocratic as distinguished from a democratic system of education. The friars regarded the education of the common people as not only unnecessary for their salvation, but as positively dangerous to the established order of things. The

[1] *England in Egypt* (1892), p. 333.

[2] The importance of elementary education is beginning to be appreciated. In a resolution by the governor-general (Lord Curzon) in council it is said: "The Government of India fully accepts the proposition that active extension of primary education is one of the most important duties of the state." *Indian Educational Policy*, p. 15 (Calcutta, 1904). It is, however, a question of priority. The same resolution states that "there are more than 18,000,000 boys who ought now to be in school, but of these only a little more than one-sixth are actually receiving primary instruction."

course of events in the Philippines was such as to render the condition of the lower orders almost hopeless. The economic improvement which followed the opening of the country to commerce increased the wealth and the power of the native aristocracy at the expense of the common people. The efforts of the Spanish Liberal party to introduce reforms in the Philippines encouraged ideas which were certain to result in reforms or revolution. But the Spanish Republic fell and the efforts of the friars and the reactionary party to suppress the spirit of modernism, led to insurrection, war and the downfall of Spanish power.

There is no doubt but that there had grown up a strong demand on the part of certain native leaders, such as Rizal, for popular education; but very few if any of the *gentes illustradas* ever sympathized with it. The social and economic system was aristocratic and feudal. In a district with twenty-five thousand inhabitants there were ordinarily about a dozen families of wealthy educated people who spoke Spanish, lived in beautiful houses and possessed the charm and cultivation of Spanish civilization. They sent their daughters to be educated in convents and their sons to the university at Manila, or to Europe. There was no middle class. The rest of the people were petty tradesmen, servants or agricultural laborers, *taos,* dependent upon their rather contemptuous lords and masters, and submissive and subservient to their commands. Occasionally, as elsewhere, an individual of unusual capacity and energy secured an education and forced his way into the upper class, but the great mass of the people remained grossly ignorant and superstitious.

The ability to read and write a native dialect was not unusual; it was, in fact, very common; but there was little in the dialect worth reading and no particular object in writing it. The Spanish collegiate institutions in the Philippines were designed to educate the children of Spaniards and the mestizos. Occasionally a few Indians, as they were called, were received as

pupils.[3] Such institutions as the College of San José, the *Ateneo de Manila,* and the University of Santo Tomas, furnished an education of a scholastic character to the members of the Spanish community and the Filipino aristocracy. What passed for education in the parishes was left to the village friar, who taught the children of the poor the catechism and the duties of humility and obedience to superiors.

In 1863, by royal decree, a system of public primary education was established in the Philippines under the supervision of a Superior Council of Education composed of the governor-general, the archbishop and seven members appointed by the governor-general.[4] This very liberal law required the maintenance of a primary school for boys and one for girls in every *pueblo,* in which the instruction was to be given in the Spanish language. The regulations issued by the minister for the colonies show the character of the instruction to be given and the means provided for making the law effective.[5]

The plan was put into effect very slowly, but by the end of the Spanish régime practically every *pueblo* in the Philippines had its two public schools with Filipino teachers who could speak Spanish and teach elementary subjects. In every little plaza or town square there stood, along with the tribunal, the jail and the more pretentious church and convent, a public building of some sort for the use of the school.

[3] There has been much discussion of the question whether the Spaniards made any serious effort to educate the natives. In 1634 Philip IV directed the ecclesiastical authorities to provide for the education of the Indians in the Spanish language and the principles of religion. In 1686 he directed that this decree must be observed. In 1792 provision was made for Spanish schools for Filipinos. One of the rules of the College of San Filipe, founded in 1641, provided: "The college students shall be of influential Pampango families, and they shall be taught to read and write in the Spanish language, and shall be given clerkships if they show aptitude therefor." Blair and Robinson, *The Philippines,* XLV, p. 175. See also *Census of Phil.* (1905), III, p. 576, and *Rept. Commission of Education* (U. S.) for 1897-98.

[4] For the decree, see *Census of Phil.* (1905), III, p. 578. For a description of the Spanish educational system, see the *Report of the Schurman Commission* (1900), II, Pt. III.

[5] Printed in *Census of Philippines* (1905), III, pp. 583-590, as a part of Judge Rosario's article on *Education Under Spanish Rule.* Although the law required instruction in Spanish, it was seldom given in the primary schools. This was one of the serious grounds for complaint against the friars.

However, it is easy to infer too much from these facts. A *pueblo* was a district sometimes many square miles in extent and containing numerous villages, scattered at considerable distance from the center of population. The school buildings were small and, as the attendance did not average over sixty in pueblos of from eight thousand to twenty thousand people, it is evident that only children of the rich and the dwellers in the large towns had the opportunity for even elementary instruction.

Although supported by the government, the school system was never secular. The friars were always the inspectors of schools and they determined the subjects included in the narrow and exclusive curriculum. The pupils, ordinarily from seven to ten years of age, were taught reading, writing, sacred history and the catechism. The girls studied needlework and embroidery. Occasionally a book on geography was used as a reader, and in the typical provincial school a religious primer was read in the native dialect. The methods of teaching were very primitive. The compensation of the teachers was so small that they were without standing or social importance.[6] The language of the text-books had to be learned by heart and the pupil recited to the teacher while his companions memorized their lessons aloud. The bright ones became perfect little phonographs, repeating exactly what had been talked into them.

During the insurrectionary period the most of these schools were broken up and abandoned. The new government under American direction had thus a clean slate on which to write its educational history. Church and State were now separated. The scholasticism of the Middle Ages which had dominated the Span-

[6] "What contributed greatly, also, to the general backwardness of primary instruction was the very small salary paid teachers, as it was impossible for them to live on what was paid them. . . . The small salary paralyzed any good will and ambition to work." Rosario, *Census of Phil.*, III, p. 595 (1905).

Jagor (*Reisen in den Philippinen*, 1873), says: "The teacher receives a salary from the Government averaging $2 per month without board. In large towns the salary is as much as $2.50 per month, but an assistant must be paid. The schools are under the supervision of the parish priest. Reading and writing are taught therein, the text being in Spanish. It is true that the teacher is required to teach Spanish to his pupils, but he himself does not understand it. . . . Indians who have been in the service of Europeans are the only ones who speak Spanish." Quoted by Rosario.

ish educational system had no longer any defenders. Obscurantism was dead and a new spirit was born in the land of Rizal. Many, although far from all, of the Philippine people were in sympathy with American educational theories and anxious for instruction.

Having decided to establish a popular form of government in the Philippines, with a free and independent democratic state as the ultimate goal, America was, by all her political traditions and theories, committed to the task of educating, not a few leaders, but the entire mass of common people. Such a thing had never been attempted in the Orient. Almost without exception the men of widest experience in eastern affairs predicted that education would unfit the Filipinos for agricultural and other practical pursuits and inspire them with the ambition to be clerks, officials and professional men. There was force in the assertion. It was, in fact, a serious question whether, in view of their history, training and racial qualities, the Filipinos possessed the moral fiber necessary for the proper use of the conventional education. The experience of England with the youth of India and Egypt had convinced many well-disposed persons that western education was detrimental to the Oriental.

That harm might result from a little or from too much of that sort of education could not be denied. Either often induces discontent in the West as well as in the East. But this possible evil was insignificant when compared with the certain dangers resulting from the presence in the country of a mass of ignorant people of an excitable disposition and easily misled into lawless violence by unscrupulous leaders.[7] On political grounds alone, without reference to general humanitarian considerations, the new government felt justified in taking the chances involved in giving the Filipino people a common-school education which would render

[7] "It is neither wise nor just that the people should be left intellectually defenseless in the presence of the hare-brained and empirical projects which the political charlatan, himself but half educated, will not fail to pour into their credulous ears." Cromer, *Modern Egypt*, II, p. 534. In 1868 Lord Lawrence said that "among all the sources of difficulty in our administration and of possible danger to the stability of our government there are few so serious as the ignorance of the people." *Indian Educational Policy*, p. 15.

them less liable to be led by political leaders into insurrectionary schemes.

The work of teaching was commenced by the military authorities, and schools were opened wherever possible, with officers and soldiers as voluntary teachers.[8] When possible, the old Filipino teachers were encouraged to return to their work, but most of the *pueblos* were too poor to pay even their petty salaries. General Otis did everything within his power, but necessarily, under the circumstances, the work was unsystematic, and little was accomplished other than to arouse an interest in the study of the English language and convince some of the Filipinos of the good will of the Americans. It was difficult for them to retain bitter resentful feelings against soldiers who, without pay, were teaching their little children. It was an object lesson in the policy of attraction.

Prior to September 1, 1900, when the legislative power passed to the Philippine Commission, forty-one thousand dollars had been expended for American text-books translated into Spanish, and for stationery for the schools. The commission immediately established a Department of Public Instruction in charge of a general superintendent, eighteen division superintendents, a superior advisory board, and local school boards in the municipalities.[9] Doctor Fred W. Atkinson was made general superintendent, and the work of organization was commenced. The general

[8] President McKinley, in his Instructions to the commission, said: "It will be the duty of the commission to promote and extend and, as they find occasion, to improve the system of education already inaugurated by the military authorities. In doing this they should regard as of first importance the extension of a system of primary education which shall be free to all, and which shall tend to fit the people for the duties of citizenship and for the ordinary avocations of a civilized community." A few schools were opened in Manila immediately after the occupation of the city, under the direction of Chaplain W. D. McKinnon. June 1, 1899, Lieutenant George P. Anderson, a volunteer officer, became superintendent of Manila schools, and within a month twenty-four English teachers were at work with four thousand five hundred pupils. About one thousand schools were opened by the military government. On March 30, 1900, Captain Albert Todd, Sixth U. S. Artillery, was placed in temporary charge of public school instruction. In a report made Aug. 17, 1900, he recommended a system of education substantially such as was afterward adopted by the commission. *Census of Phil.*, III, p. 690 (1905).

[9] Act No. 74, Jan. 21, 1901. This law authorized the superintendent to secure one thousand teachers from the United States.

policy was a very simple one. Common schools were to be established everywhere and every child was to be taught arithmetic and to read and write the English language. The schools were to be public and secular, adequate for the population, and open to all on a purely democratic basis. Secondary and higher education was to follow in due course.

It is remarkable that so little difficulty was experienced in secularizing the schools in the Philippines. The great majority of the people were Roman Catholics and the Church deemed the control by it of education, particularly when dealing with a backward people, as of vital importance. That there was general acquiescence in the new order of things is probably due to the fact that the Vatican put in charge American trained bishops who were familiar with the American school system. The so-called Faribault plan for the teaching of religion in the schools was adopted. The law provided that:

"No teacher or other person shall teach or criticise the doctrines of any church, religious sect or denomination, or shall attempt to influence the pupils for or against any church or religious sect in any public school established under this act. If any teacher shall intentionally violate this section, he or she shall, after due hearing, be dismissed from public service."

No public-school teacher was permitted to conduct religious services or teach religion in a school building or to require any pupil to attend and receive religious instruction. But the priest or minister of any church established in the *pueblo* might in person or by a representative teach religion in an orderly manner in the school building for one-half hour three times a week to those pupils whose parents in writing requested it.[10] It was found necessary to discipline a few teachers under this act, but the agitation soon subsided and the plan has been accepted as a satisfactory solution of what might have been a very serious difficulty.

The proposed adoption of the English language as a medium

[10] Act No. 74. See *Rept. Phil. Com.*, 1900-3, p. 258. Very few priests or ministers ever availed themselves of this opportunity.

of instruction in the public schools raised a question worthy of the most serious consideration.[11] To most Americans it seemed absurd to propose that any other language than English should be used in schools over which their flag floated. But in the schools of India and other British dependencies and colonies and, generally, in all colonies, it was and still is customary to use the vernacular in the elementary schools, and the immediate adoption of English in the Philippine schools subjected America to the charge of forcing the language of the conquerors upon a defenseless people.

There would have been some justification for the charge had the Filipinos possessed a common language. Various dialects were in use in the civilized parts of the Archipelago, but there was no vernacular tongue common to the country or to the whole of any one of the large islands. The Visayans of the central islands, and the Tagalogs and Ilocanos of central and northern Luzon possessed fairly well developed dialects in which there were a few printed books and newspapers which circulated in restricted districts. Manifestly it was impracticable to conduct the schools of each district in the dialect there prevalent, and no dialect was sufficiently dominant over its rivals to justify its adoption as a national language. William von Humboldt wrote that the Tagalog dialect was the richest and most perfect language of the Malayo-Polynesean family, but it was spoken by only about one-fourth of the Christian inhabitants of the islands and it had shown no capacity for growth. After being used for hundreds of years in the same locality, it remained thin and lifeless. It had shown no disposition to expand by absorbing its neighbors nor were the Tagalogs, like the Visayans and Ilocanos, disposed to spread into the surrounding islands. It had no vitality and little literature worthy of the name. Short-sighted Tagalog writers, with Chauvinistic tendencies in their efforts

[11] In his Instructions to the commission President McKinley directed that instruction should be given in the first instance "in the language of the people," but that if possible English be established as "a common medium of communication." That the question is still an open one, see General McIntyre's *Special Report* of Dec. 1, 1915, p. 9.

to "purify" the language, had tried to eliminate from it all words of foreign origin, thus destroying the sources of growth. Some of them, such as the Tagalog poet, Baltazar, resorted to all manner of awkward forms to avoid using words of other than pure Tagalog origin. Any attempt to impose the Tagalog dialect upon the other races to the exclusion of their own would have met with violent opposition.

But a common language was a necessity, not only for social and business purposes but for the growth of national feeling and the creation of a homogeneous people. Spanish had been the official language of the government and was used in the colleges and by the upper classes, but it was unknown to the mass of the people. Probably not more than ten per cent. of the inhabitants of the Philippines were ever able to speak and write it. Prior to the introduction of the public school system in the years following 1863, no serious attempt had been made to teach Spanish to the common people. In fact, it had, like Dutch in Java, been reserved as the language of the governing class. There certainly was no reason why the American government should adopt Spanish as the official language or as the medium of instruction in the public schools. Although elegant and beautiful, it was, in a commercial sense, a decadent language, while English had already become the *lingua franca* of the Far East. It was spoken in every port from Japan to Australia and was rapidly becoming the common language of commerce, science and diplomacy. The intelligent Filipinos realized this and the adoption of English as the medium of instruction in the schools met with general approval.[12]

Of course, such a system of education as the Americans contemplated establishing could be successful only under the direction of American teachers, as the Filipino teachers who had been trained in Spanish methods were ignorant of the English language and were generally without the necessary knowledge of the subjects to be taught.

Arrangements were promptly made for enlisting a small army

[12] The future of the English language in the Philippines is still uncertain.

of teachers in the United States. At first they came in companies, but soon in battalions. The transport *Thomas* was fitted up for their accommodation and in July, 1901, it sailed from San Francisco with six hundred teachers—a second army of occupation—surely the most remarkable cargo ever carried to an Oriental colony.

On August twenty-third the *Thomas* discharged its passengers at the foot of the Anda monument. The hotels and boarding-houses of Manila were inadequate for their accommodation, and it was found necessary to quarter them in the public buildings on the Exposition grounds. Here they were cared for until such time as it was possible to send them to their various stations throughout the islands.

These American teachers were mostly young, vigorous and full of enthusiasm for the work. They had been gathered hurriedly from all walks of American life. A fair proportion were college graduates and most of them had had some experience in teaching. Many were young women; a few were middle-aged men who had brought their families with them. One unfortunate man died soon after reaching Manila, leaving a wife and five small children. There were some among them who had not realized their anticipations of fame and fortune in the home land and who were seeking a new start in life. A few were mere adventurers attracted by the good pay, and the opportunity to see the world under novel conditions. The undesirables were soon eliminated. There were also many who had neither the physical nor the mental strength to endure the climate and the strain of the life, and their places were taken by others selected with more deliberation.

Great care was exercised in assigning the new teachers to their stations. Where husband and wife were both teachers, they were sent to the same town, and friends and acquaintances were kept together when practicable, thus guarding as much as possible against the home-sickness and discontent which the future would inevitably bring. The fortunate few who were connected with the administrative work or were stationed in the

large cities found life pleasant and interesting, but the most of the young men and women who were sent to the provinces and scattered among the villages had to live practically alone with the Filipinos. Except in the larger towns the conditions of life were rarely suitable for single women. To the larger places, such as the provincial capitals, where several teachers were required, both men and women were sent, and the presence of the American engineer, a constabulary officer and an American treasurer made the life endurable and generally pleasant and interesting.

Not the least of the troubles of the teachers was the difficulty in getting proper food and good water. The latter was never possible until artesian wells were dug, and reliance had to be placed on boiled water and bottled mineral waters. As it was impossible for Americans to live on the food procurable in the ordinary small town, the government established stores in Manila and in the provinces, from which the teachers could order their supplies.

In the distant *barrios* it was not uncommon for an American teacher to pass many months without seeing a white face. More than any other Americans, they reached the hearts of the humble people and convinced them of the disinterestedness of the American policy. They soon became the centers of the community life, respected by every one and loved by the children with an abounding love. When the cholera was raging, they stood to their posts, did what they could to help their stricken people, and in many instances died with them. They were the advisers and the friends of the common people, and during the entire insurrectionary period there was not a single instance of intentional injury to an American school-teacher.[13]

It was neither possible nor desirable that all the teachers should be Americans. The task of providing Filipino instructors was one of great difficulty. It was necessary to educate and train a

[13] For an interesting description of the life of an American teacher, see *A Woman's Impressions of the Philippines*, by Mary H. Fee (1910).
Freer's *Philippine Experiences of an American Teacher* (1906) gives a very full account of the life of a teacher during the early years.

new generation of teachers from the pupils of the new schools. A few of the younger Spanish trained teachers could be utilized as soon as they acquired the English language and the elements of the new knowledge which was to be taught in the primary schools.[14] Immediate steps were taken to gather together for instruction those who desired to become teachers.

Early in 1901 a normal school was established in Manila, and the announcement of a preliminary session was sent broadcast throughout the islands. The transportation companies generously furnished free transportation for teachers, and on the opening day four hundred and fifty Filipino young men and women were present, of whom about ten per cent. could speak some English. The attendance increased and five hundred and seventy completed a short course and received their certificates.

The first regular session of the normal school opened September 1, 1901, with two hundred and fifty pupils in attendance. But the expense and the difficulties of transportation made attendance at Manila impossible for many who aspired to become teachers, and special normal sessions were arranged for in the various school divisions. During the long vacations many of the teachers, American and Filipino, were brought together at Manila for instruction and social intercourse, and finally these meetings developed into the regular teachers' assembly, which is held every year at Manila. Since 1908 an assembly for American and high-class Filipino teachers has been held each year at Baguio.[15]

Teachers were also developed in the primary schools by training the brighter pupils to teach their less advanced companions. This work was so successful that in 1910 there were seven thousand six hundred and ninety-five Filipino teachers on duty, the

[14] A normal school for the training of male "teachers for primary instruction" had been established in Manila in 1863 under the charge of the Jesuits. From 1865 to 1882 the number of pupils enrolled in the school was 3,102, of which 28.5% completed the course. For the Regulations of the Normal School, see *Census of Phil.*, III (1905), p. 605.

[15] Beautiful grounds and buildings have been provided for the teachers' meetings at Baguio. Distinguished educators from the United States give courses of lectures. A daily paper is published.

most of whom were giving general satisfaction. Almost all the primary and, to a considerable extent, the secondary instruction, was by that time being given by native teachers under the general supervision of Americans. At present about two-thirds of the intermediate teaching force are Filipinos. As Filipino teachers were thus developed, the number of American teachers was gradually reduced until in 1910 there were but six hundred and fifty in the service, the greater number of whom were in the higher schools or acting as inspectors or supervisors.[16]

The system as originally adopted contemplated primary schools supported by the municipalities, secondary schools by the provincial authority, and special schools and a university supported and controlled by the insular government.

[16] "It has been the policy of the Bureau of Education to lay an increasing amount of responsibility upon the Filipino teacher. As a result, where seven years ago there were 70 Filipino and 380 American supervising teachers, there are to-day 102 Filipino and 138 American supervising teachers. . . . There are now 9 Filipino provincial industrial supervisors and 194 intermediate schools with Filipino principals. In 1908-9 there were 252 Filipino and 366 American teachers engaged in intermediate instruction. At the present time there are 841 Filipinos and 105 Americans. Primary instruction, except in a very few classes where special work is being carried on, is entirely in the hands of Filipinos."

Rept. Dir. of Education (1914), pp. 23-26. At present about 15% of the positions open for American teachers become vacant each year. Their successors are selected in the United States by a representative of the Bureau of Education. After their arrival at Manila, they are given a special short course of instruction before being assigned to duty.

It must not be inferred that the training of native teachers was a simple operation. An American teacher in Panay thus described what happened to his school during a few days of enforced absence. "When I returned on Wednesday morning," he wrote, "only two of my six teachers were present and my attendance had dropped from 140, when I left, to 25 when I returned. During my six days' absence scarcely any work had been done. Thursday and Friday there was a big *fiesta* here, and consequently it was impossible to hold school. This morning I attempted to collect the pupils and get started once more. I find my teachers are fully as badly demoralized as I expected they would be. Maria Garingales was the only one that came on time; Maria Girago came half an hour late and then wanted to get excused for the day. Francisco Girado came in an hour and a half late, and then only because I sent for him. Norberto Girado was at his home asleep and would not come at all, although I sent for him twice. He did not come to the school, but went to the cock fight instead, and as there is another cock fight to-morrow I have no reason to expect him at that time. All of my teachers, with the exception of Maria Garingales, who is always on time, have of late grown very slack in regard to their attendance. Norberto is an old offender and does not seem to improve. I have done everything in my power to impress upon him some sense of his obligation as a teacher, but during this month it is safe to say that he has been absent half the time." (*Rept. Phil. Com.*, 1900-3, p. 404.)

At first the time and money were devoted to creating an organization, training teachers and establishing primary schools in which the elements of an English education could be obtained.[17] But many of the pupils made rapid progress and were soon looking forward to a higher education. They were learning English but no Spanish in the public schools, and instruction in the private colleges and universities was conducted entirely in the latter language. Unless higher American schools were established at once these ambitious pupils would have to return to the private church schools where only they could prepare for college. It was thus necessary to meet the demand for schools to which children could be advanced on the completion of their primary education, and in the spring of 1902 the organization of secondary, or high, schools was authorized. As these provincial secondary schools were to be the peoples' colleges and the final sources of education for all but the favored few who might be able to go to the university at Manila, it was deemed advisable to make the course of study as broad as possible. Hence, in addition to the ordinary academic and commercial high-school studies, provision was made for teaching manual training and agriculture and for a preliminary two years' course for teachers to be completed in the normal school at Manila. The Spanish language was to be taught simply as any other subject.

During that year secondary schools were established in twenty-three of the provinces. The insular government was already conducting, at its own expense, a normal school, trade school, and nautical school[18] at Manila, and planning for an agricultural school in Negros.

Authority was given the provincial boards and municipal councils to levy taxes for school purposes, but neither body was able, at the time, to provide the necessary funds, and a large part of

[17] Night schools were opened in Manila and elsewhere that were attended by many people of all classes and ages. So great was the demand for instruction in English that at one time there were about ten thousand adults in these schools.

[18] A nautical school had been established in 1820. In 1899 it was reorganized and placed under an American naval officer. After a short and unprofitable career it was closed until recently, when it was reopened.

their school expenses have always been paid from the general appropriation of the Bureau of Education. The provincial boards did very well and showed a good spirit, but so much can not be said for the municipal authorities. While fully ninety per cent. of the municipalities, wrote Secretary Smith,[19] "take a deep and abiding interest in education, their lively sympathy does not always go to the extent of providing necessary means to pay the expenses." The Filipino teacher who looked to the municipal treasury for his small salary sometimes found it empty. "By law," wrote Governor Taft, "the council of a municipality is obliged to devote a certain part of the income of the town to schools, but in too many instances it has developed that, in the anxiety to secure his own salary, a *presidente* has induced the council and the municipal treasurer to appropriate from what are properly school funds to pay the salaries of municipal officials."[20]

The educational work would have progressed more rapidly had the insular government used more freely the forces and money at its disposal. But the policy of throwing the burden along with the privileges of local government upon the smaller units was strictly adhered to and, in the end, may justify itself.

The success of the Bureau of Education in dealing with industrial education is remarkable in view of the conditions under which the work was commenced. As originally planned, the course of study provided for industrial instruction in the primary and secondary schools and in the special trade and agricultural schools. For several years there was much uninformed and ill-natured criticism of the authorities for their alleged failure to develop vocational work in the schools, and it is commonly asserted that this resulted in a change of policy. The fact is that great stress was placed on manual training and industrial

[19] *Rept. Phil. Com.*, 1903, Pt. III, p. 677.

[20] "The truth is that the municipal governments have not been as satisfactory in their operations as could be wished. By the misuse of the school fund already referred to, the native school teachers have been compelled to go without their salaries. The municipal police have also gone unpaid and in many instances have not been made efficient because they were used as the personal servants of the municipal presidentes." *Report Civil Governor*, Nov. 15, 1903; (*Rept. Phil. Com.*, 1903, Pt. I, p. 84).

education from the beginning, and that it was developed as rapidly as possible under the circumstances.[21] The original course of study in the primary schools included manual training for boys and girls. The Manila Trade School was established in 1901. The commission in its report for that year commented on the demand from the provinces for teachers capable of giving instruction in manual training and the trades, and remarked that trade schools "if established in sufficient numbers and properly organized and conducted, will do more than almost any other agency to put them in the possession of those qualities or powers which tend most directly to modernize them and raising their standard of civilization." Secretary Moses, in his first report, discussed very fully the necessity for industrial education. In 1903, Secretary Smith said: "Next in importance after the creation of a supply of native teachers comes instruction in useful trades and the mechanical arts and sciences necessary for the industrial development of the country. . . . This branch of instruction is, as has been already stated, in its infancy, and while no great progress has been made, it is confidently believed that besides giving to the islands a supply of educated Filipino artisans and mechanics, it will compel a due regard and respect for the dignity of labor." In his report for 1907, Secretary Shuster said: "During the past year the dominant note of the policy of this department has been the expansion throughout the islands of facilities for giving education along the most practical lines of industrial, agricultural, and domestic science training. A large proportion of the funds appropriated from the Insular treasury for school construction has been expended for schools of arts and trades, and the proportion so expended in future will be even greater."[22] This policy was continued by the succeeding secretaries of public instruction.

[21] The recommendations submitted by Captain Todd in Aug., 1900, included industrial schools for manual training.

[22] "The spectacle of the pupils of a school of arts and trades at work, under the direction of their American teacher, in constructing a permanent and substantial industrial school of cement blocks, molded and laid by the pupils themselves, all without cost to the Government other than for the necessary materials, is to some extent a refutation of the ill-founded state-

A good many Americans in Manila were not in favor of educating the natives for anything higher than servants and common laborers.[23] Most of the criticism, however, was due to ignorance of what was being done and the failure to recognize difficulties inherent in the situation. At that time industrial teaching in the public schools of the United States was largely experimental, and even at present competent critics are not satisfied with the methods of teaching or the results obtained.[24] There can be no question of the sincerity of the effort made by the government of the Philippines to train the Filipinos for industrial occupations. Mr. Barrows, who was director of the Bureau of Education from 1903 to 1910, was an earnest supporter of the policy, although he was not in favor of permitting manual-training work to supersede instruction in the ordinary branches of an elementary English education.[25]

ment which has not infrequently been heard to the effect that the educational work in these islands is of an impractical and visionary character. The frequent suggestions which have appeared in the public press to the effect that manual training should be installed in the schools seems to take no account of the fact that this practical form of education has been one of the keynotes of the Government's policy since the establishment of the public school system." *Rept. Phil. Com.*, 1907, Pt. III, p. 162. *Ibid.*, p. 163.

[23] "It is unfortunate that the attitude of much of the American community and of the American press is outspokenly hostile to public instruction. The cry is the common one, that the public schools interfere with the availability of labor, train boys away from the fields, and expend large sums of money which would better be devoted to industrial and commercial development. The *Manila Times* in recent months has engaged in a vigorous campaign with the professed object of beating down the insular appropriations for education. It was also represented that the present educational policy neglects the practical training for life or industrial efficiency; that the money devoted to public instruction is in large part wasted; and that a radical change in the amount and character of instruction should be made. . . . So far as opposition to Philippine education is a reflection of that ungenerous and illiberal opposition to native enlightenment which too often takes possession of Americans domiciled in these islands, I believe it to be recreant to every principle of our national policy and to a due regard for justice." *Rept. Director of Education*, Aug. 1, 1908 (*Rept. Phil. Com.*, 1908, Pt. II, p. 805).

[24] "The manual training high schools are too elaborate," says Doctor Draper (*Our Children, Our Schools, and Our Industries*, 1908, p. 7), "too expensive, in a way too *dilettante* to lead to anything other than one of the industrial professions; often they do not even prepare for training in one of these. They are much more like schools than shops, where they should be more like shops than schools. . . . They are managed by men who are more teachers than workmen, when they should be managed by men who are at least quite as much workmen as teachers."

[25] See *Annals of the American Academy of Political and Social Sciences*, XXX, No. 1, July, 1907.

In his report for 1908, Mr. Barrows said: "The main purpose of the pri-

Industrial training, to be of any value, requires shops, machinery and suitable apparatus, as well as specially trained teachers. It is much more complicated and difficult than ordinary academic instruction which requires only the teacher, a few textbooks and a blackboard.

It must also be remembered that the Filipinos had not been taught to look upon manual labor as dignified and honorable. In some respects the society resembled that of the South during slavery days. There was no place for the theory of the dignity of labor in the political and social system developed under Spanish rule. No one labored with his hands unless compelled thereto by dire necessity. Education was regarded as a means for escaping from manual labor, of becoming a clerk, lawyer, doctor, priest or government employee. The last thing a Filipino boy or girl desired to be taught was how to perform manual labor, skilfully or in any other way. Such work was supposed to be for the *tao* and the *muchacho*. This ancient prejudice against manual labor had to be broken down before any real progress could be made in industrial education.

It is remarkable that so many young men and women were able to rise above this popular feeling against manual labor. When the Manila Trade School was opened in 1901 it was very difficult to find students. They had to be coaxed to enter the trade school and after being there were retained with difficulty. When Mehemet Ali established his European schools in Egypt he sent press gangs out to secure pupils, as sailors were formerly

mary schools is to give children a knowledge of letters; it is to make the common people literate in the English tongue. To those who advocate 'practical instruction,' I reply that the most practical thing obtainable for men is a civilized community, and their most desirable acquisition is *literacy*. In civilized communities an illiterate class suffers a grievous handicap in the social competition. Civilized communities are civilized because they are literate. The achievement of letters marks the transition from barbarism to civilization. . . . However numerous may become the other duties placed upon the schools, the duty of caring for the physical development of the children, the duty of providing for their moral training, the duty of contributing to their industrial efficiency, however much these may come to be accepted as necessary functions of the school, the training in letters must always remain its first and fundamental office." (*Rept. Phil. Com.*, 1908, Pt. II, p. 807). See the interesting remarks of Mr. Lecky on primary education (*Democracy and Liberty*, II, p. 6).

secured for His Majesty's navy.[26] This rather crude but effective method of securing a large enrollment was not available in the Philippines. Nevertheless, in 1904, instruction was being given in the trade school to two hundred and seventy pupils, and there was a large waiting list. The old prejudice against manual labor has been weakened, but it is still strong and is a formidable obstacle in the way of the industrial development of the country. Ambitious Filipino youth crowd into the learned professions just as they do in the United States.[27] The great educational problem is to induce all but the select few to believe that business, industrial and especially agricultural life offers careers as honorable, as dignified and as profitable as the learned professions.[28]

At present very great stress is being laid on the utilitarian idea in education. Industrial training is commenced in the primary and continued throughout the intermediate grades. The high-school course is more conventional and is designed to prepare students for collegiate work and three-fourths of the graduates proceed to a college or university. The course of study now requires eleven years for completion, four in the primary, three in the intermediate, and four in the high-school grades. In the intermediate grade six courses are given: a general course, a course for teachers, a course in farming, a trade course, a course in housekeeping and household arts, and a business course. All the intermediate schools are not yet equipped to teach all these courses. In some only one, in others, two, three or all six are

[26] So unpopular was education *that mothers actually blinded their children* to keep them from school. Senior, *Conversations, etc.,* p. 130. Small boys were taken to school in chains, others were paid to go. Fyfe's *The New Spirit in Egypt,* p. 94.

[27] Americans are not unfamiliar with similar aspirations. "No boy in an American school looks forward to digging and delving for hire as a means of a livelihood nor does any girl contemplate domestic service as her future work in life." Mosley, *Educational Commission Reports,* p. 102.

[28] Some industrial instruction is given in the private schools, but they are generally without proper equipment. There are some exceptions to this statement. The Silliman Institute, at Dumaguete, and the Industrial School Republic at Jaro give excellent courses in agriculture and wood-working, and the schools of the Belgian Sisters in Manila, Tagudin, Bontoc and Baguio give excellent instruction in lace-making.

given. The high-school course is similar to that of the same type of school in the United States.[29]

On entering a primary school the pupil must take as a part of each day's work certain manual-training exercises beginning as play but leading to the regular courses provided in the advanced primary and intermediate grades. In 1912, 216,218 boys and 125,203 girls, representing ninety-one per cent. of the enrollment, were engaged in industrial work such as regular manual-training and trade work, school gardening and farming, housekeeping, the making of hats and mats and the study of basketry. Close touch is kept on the work by means of provincial industrial supervisors who frequently visit the schools in their territory, and inspectors and instructors attached to the general office are constantly traveling throughout the islands. The articles made by the children of the public schools are remarkable both for their quality and diversity. The exhibit made by the Bureau of Education in connection with the Philippine Industrial Exhibition in 1912 was a very interesting one, and great quantities of dainty laces and embroideries, beautiful baskets, hats, pottery, furniture and other articles were sold to the public. In 1911 the schoolboys in one hundred towns were wearing hats made by themselves. In that year the Philippines exported 621,475 hats; in 1912, 1,025,596, and the increase was due very largely to school influence. More than half of the desks and tables in use in the primary schools of the Philippines were made by the pupils. The primary schools of Albay are able to deliver one thousand salable baskets on a month's notice.

The Igorot girls weave the cloth and make the clothing which they wear in school. The industrial school at Capiz has developed the slipper-making industry in that community so that two thousand dollars' worth of slippers were sold in one year. Through school influence 1,072 gardens were established during the year 1911 at the homes of pupils in La Union Province. In the province of Albay 470 school and home gardens were developed in

[29] For the course of study, see the *Report Director of Education for* 1914, pp. 58-64.

one year and many vegetables introduced which formerly were unknown in the community. In the non-Christian province of Bukidnon each school has ten acres of land enclosed and under cultivation. The provincial schools of Pampanga exhibited at the 1912 carnival six hundred samples of jellies, jams and preserves made from Philippine fruits. Many other illustrations might be given of the results of the extremely practical training being given in the public schools.

The remarkable showing made by the Philippine school system at the Panama-Pacific Exposition of 1914 is evidenced by the four grand and seventy-three other prizes awarded it.

The new system of education required text-books prepared specially for the Philippines. Few of those in use in the primary schools in the United States were suitable. Nothing better illustrates the isolated condition in which the people of the country had lived. The primers and readers brought from the United States had much to say of the change of seasons which were unknown, and of fruits and flowers and birds which had never been seen or heard of in the Philippines; of a home life and social customs which were beyond the experience and comprehension of the children of the tropics. The arithmetic texts dealt with weights and measures unknown in the Orient; the problems were based on the buying and selling of products of which the Filipino children had never heard; the geographies contained descriptions of Europe, North America and the states of the Union; they ignored the home of the Filipinos and gave scant treatment to the Orient in general. The histories dealt with America and Europe, making no mention of the Philippines and little of China, Japan and Malaysia. The texts on nature study and plant and animal life told the children of vegetation and fauna as strange to the Filipino as is German script to a boy or girl in an American primary school.[30]

To meet the requirements new text-books were prepared from local material by teachers and others familiar with conditions

[30] *Report of the Director of the Bureau of Education* (*Rept. Phil. Com.*, 1910, p. 173).

and published by the government or by private concerns. The books on ordinary topics such as arithmetic required but slight changes. Special texts were prepared, such as a *Short History of the Philippines,* the *Civil Government of the Philippines, Philippine Geography, Philippine Folk Lore, A Nature Study Reader, Lessons on Familiar Philippine Animals, School and Home Gardening, Housekeeping, Economic Conditions in the Philippines, Embroidery and Lace Making, Materials for Commerce for the Philippines, Commercial Geography, An Athletic Handbook,* and *Introduction to the Study of Colonial History.* Ninety per cent. of the texts now in use were prepared especially for the Philippines. Many of the bulletins published by the Bureau of Education contain material which is used as the basis of instruction. A monthly magazine, called *The Philippine Craftsman,* is devoted entirely to the advancement of industrial instruction.

During recent years athletic instruction has constituted an important part of the school work. In the olden times the most violent exercise ever taken by a Filipino boy or girl was by participation in a solemn processional march under the chaperonage of a dignified teacher. The sporting instinct found its gratification at the cockpit. Physical activity was considered not only unpleasant but very undignified. All that has been changed. To-day the boys are as devoted to baseball and track as their contemporaries in America and the girls are skilful at tennis and basket-ball. A very large proportion of the public-school pupils participate, under careful instruction, in some form of organized athletics and the beneficial effects, both mental and physical, are already very evident. It may be that when the final account is made up it will be found that baseball has had a more beneficial effect upon the new generation than even the more orthodox subjects of the school course.[31]

[31] Governor-General Forbes was greatly interested in athletics and did more than any other American official to encourage the Filipinos to train their bodies as well as their minds. A regular interprovincial athletic-school league is maintained. In connection with the Philippine Carnival in Feb., 1913, the far eastern Olympiad was held in Manila. Both China and Japan sent a number of young men, and the athletic contests lasted for several days. Almost all the contestants representing the Philippines were schoolboys.

Prior to 1910 the government encouraged young men and women to secure, whenever possible, a higher education in American colleges. Immediately after the American occupation wealthy Filipinos commenced sending their sons to the United States to be educated, and provinces and towns arranged to maintain boys abroad at public expense. In 1903 the commission decided to send to the United States for education one hundred boys and girls of high-school age and educate them to become teachers, engineers, doctors and lawyers, on condition that for five years after their return they should be at the call of the government for public service. One-third of these *pensionados* were selected at large by the governor-general and the others by the provincial authorities. Between 1903 and 1912, 209 young men and women were educated in American institutions at a total expense of $479,940. As a whole it is probable that the money was well expended, but many people believe that the effect of sending immature boys abroad for their education under conditions so different from that of their native land is generally detrimental to their characters. Most of these *pensionados* are now useful citizens of the Philippines, and a few are serving the government as teachers, engineers and officials. However, it is doubtful whether many of them acquired any affection for America or admiration for her institutions by reason of the years spent at her colleges and universities, and it is certain that some of them returned with a feeling of restlessness and dissatisfaction which threw them into the ranks of the agitators. After the University of the Philippines was established there was no necessity for sending boys out of the country for a higher education and at present only a few graduates who have shown unusual ability are sent abroad for special work of a scientific character.

The university, the normal school, and most of the other schools supported by direct appropriations are now well housed in

Japan won the baseball championship, but in track, field and general sports the Filipinos were victors.

The various private schools are beginning to realize the importance of physical training, and even the schools under the control of the religious orders maintain baseball, football and basket-ball teams. But few of the private schools have specially trained teachers for athletics, or suitable grounds.

modern buildings and fairly well supplied with facilities for instruction.[32] Many of the elementary schools still occupy rented buildings or temporary bamboo structures. Prior to 1907, although by law the burden of providing buildings for elementary and secondary schools was imposed on the provinces and municipalities, the commission had assisted them to the extent of $500,000, of which $175,000 came from the congressional relief fund. In that year the legislature appropriated $500,000, of which $125,000 was to be available each year for the purpose of paying not to exceed two-thirds of the cost of the construction of school buildings in *barrios* where not less than sixty pupils were in daily attendance. At its expiration this law was renewed upon the same conditions, and three other appropriations of approximately one hundred thousand dollars each have been made to aid municipalities to construct buildings on such conditions as should be prescribed by the secretary of public instruction. Substantial school buildings of reinforced concrete, built according to standard plans, are slowly replacing the old structures, and if the policy is adhered to it is only a question of time until all the schools will be properly housed.

The University of the Philippines, with colleges of liberal arts, engineering, medicine and surgery, veterinary science, schools of fine arts, pharmacy, dentistry, education, agriculture and law, and now organized like an American state university, was established in 1911 with a former American Episcopalian minister as president and the Roman Catholic archbishop a member of the board of regents. Certain of the colleges had been in operation for several years as separate schools.

At the present time more than two thousand students are enrolled in the university. The College of Medicine and Surgery, which offers special facilities for the study of tropical medicine, graduated its first class in 1912. At present the president of the university and a large proportion of the faculty are Filipinos, and

[32] Expensive buildings have been constructed in Manila for the university, the normal school, the girls' dormitory, and the School of Arts and Trades.

their number will undoubtedly increase as the graduates who are pursuing advanced courses in American and European universities return to the islands. There is reason to believe that if the standard is maintained the University of the Philippines will in time draw many students from China and other parts of the Far East.[33]

In 1914 the insular government was maintaining also a normal school with nearly 1,500 students, a school of arts and trades with 762 students, a school of commerce with 411 students, a school for the deaf and blind with 53 students, a school for household industries with 179 students, and a nautical school with 30 students. The school of household industries was established in 1912 for the purpose of teaching adult women to make lace, embroidery and other household products. The students of this school are brought to Manila from the provinces and maintained at government expense under an agreement to return to their homes and establish centers for instruction in the various household crafts.

The Philippine Nurses' Training School, which originated several years ago at the normal school, is now conducted at the Philippine General Hospital under the supervision of the Public Health Service. The students, to the maximum number of 106, are supported by the government. The Filipino young women seem to possess in a high degree the qualities which fit them for professional nurses and they have won the unqualified approval of their instructors and the gratitude and appreciation of the patients for whom they have rendered such faithful and skilful service.

A number of the government bureaus conduct special schools for the training of their employees and educational work is carried on in all the prisons. The Bureau of Printing has been particularly successful in training printers and bookbinders. The convicts at Bilidid prison conduct a school and receive practical instruction in manual training. The Iwahig penal colony is

[33] It was a mistake to place a Filipino at the head of the university, and there is at present a regrettable tendency toward lowering the standard originally established.

simply a school for the reformation of prisoners where they are given instruction in agriculture and other kinds of manual training which will fit them to become useful and self-supporting members of society after their discharge. The excellent school at Baguio, conducted by the constabulary for the training of officers, has recently been expanded into a sort of Filipino West Point.

The educational work is gradually being extended among the inhabitants of the non-Christian provinces which until 1916 were under the exclusive control of the Philippine Commission. Prior to January 1, 1914, all the funds available for educational work in the non-Christian provinces were appropriated by the commission, but since that date the schools have been supported from the regular appropriations for the Bureau of Education. In 1913, $126,850 was expended for school work among the wild tribes, exclusive of the amount expended for buildings. During 1913-1914, fifty schools were conducted for non-Christians in the Christian provinces, with an attendance of 1,640, and eighty-nine in the non-Christian provinces, with an attendance of 3,506 students. The instruction is necessarily of a very simple character. The people are being taught how to live decently and honestly and earn a living by the cultivation of the soil and the manufacture of simple, characteristic articles for which there is a demand. Particular attention is given to industrial instruction. A trade school has been established at Baguio and the cabinet work there done by the Igorot boys is of a high quality. In Quiangan the schoolboys erected a beautiful school building out of stone found in the immediate neighborhood.

Until January, 1915, the Moro Province was treated as a separate unit for educational as well as for governmental purposes. The province received no financial assistance for its schools from the Philippine Legislature or the commission and yet under very adverse conditions considerable progress was made in the education of the natives. In addition to the ordinary elementary schools it maintained a summer normal school, agricultural and industrial schools and a school for Moro girls where they were taught per-

sonal cleanliness, housekeeping, sewing, cooking, embroidery and reading and writing English. In 1913 there were fifteen American teachers on duty in the province and 101 native teachers, of whom 33 were women—83 being Christian Filipinos, 17 Moros, and one a Babogo girl. In that year the province spent $52,255 for educational work. The total enrollment in the schools was 7,568, of which 68 per cent. were boys. The average daily attendance was 4,535. In parts of the province private Moro schools are conducted by Moro priests who teach the Koran and writing the native dialects in Arabic characters. But the more intelligent Moros are calling for American teachers and as rapidly as money will permit the *pandita* schools are being superseded by public schools.[34] Soon after the Department of Mindanao and Sulu was created the schools were placed under the control of the Bureau of Education of the insular government. In 1914 a total of $235,088 was provided for educational work in that department.

In view of the fact that with the money available it is still impossible properly to house and teach all of the Filipino children, it has been deemed inadvisable to enact a compulsory education law. There are in the Philippines approximately one million two hundred thousand children of school age, of which less than one-half are receiving instruction at any one time. The frequent appeals to Congress for financial assistance for the educational work have fallen upon deaf ears and the Filipinos have been left to pay all the bills for the education of their children.[35] For that

[34] "The Moros or Pagans who have come in close contact with our civilization, in the public schools or otherwise, are frequently found to be anxious to improve their standards of living and, to a certain extent, are inclined also to adopt our manners and customs. . . . On this fact may justly be based the belief that through our common schools an impetus may be given which, if followed up by other civilizing forces, may lead eventually to the social evolution of these wards." *Annual Rept. Gov. of the Moro Province,* 1913, p. 33.

[35] A distinguished American educator began an address at the Lake Mohawk Conference, Oct., 1911, with the statement that "Our Government in Washington is caring for schools in the Philippines." In fact, the government at Washington has done nothing for education in the Philippines other than permit certain Americans to labor there in the service of the insular government and spend the money which the Filipinos and residents are able to furnish.

purpose the government of the Philippines had, to July 1, 1913, expended $21,376,000. The following table shows the annual expenditures for schools, exclusive of buildings:[36]

Fiscal year.	Insular.	Provincial.	Municipal.	Total.
1899	No figures available. Expenditures from military sources.			
1900				
1901	P466,822.00	No record.		P466,822.00
1902	2,388,762.00	No record.		2,388,762.00
1903	2,801,126.00	P633,840.97.		3,434,966.97
1904	2,488,192.00	Small sums.	P1,016,303.00	3,504,495.00
1905	2,402,733.46	P79,918.40	1,797,547.67	4,280,199.53
1906	2,880,047.68	225,159.44	1,364,130.40	4,469,337.52
1907	3,112,540.24	307,779.86	1,359,702.05	4,780,022.15
1908	3,402,119.59	216,955.80	1,508,041.80	5,127,117.19
1909	3,926,827.92	228,691.23	1,672,148.50	5,827,667.65
1910	4,094,098.61	285,159.97	2,133,577.91	6,512,836.49
1911	3,792,182.15	209,286.64	2,516,460.12	6,517,928.91

During the year 1912, 529,655 pupils were enrolled in the 3,367 primary, 208 intermediate and 38 secondary schools.[37] At present as nearly as can be learned there are 4,400 schools, 10,250 teachers, of whom 500 are Americans, and an enrollment of about 625,000.[38]

In 1913 the enrollment fell to 440,050 and the number of primary schools to 2,595. It was conceded that there had also been a falling off in the efficiency of the schools and that it was due to the

[36] It will be remembered that a peso is worth fifty cents gold.

[37] In his report for 1914 the director of the Bureau of Education said: "In practically every line of work substantial progress is to be reported. The attendance during the school year 1913-14 and during the present school year 1914-15 has reached the highest figure in the history of this bureau. The annual enrollment for 1913-14 was 621,030 as compared with 440,050 for the previous school year. The average monthly enrollment for 1913-14 was 489,070, as compared with 329,756 for the previous school year. The average daily attendance was 428,552 as compared with 287,995 for 1912-13. The percentage of attendance was 88. The high percentage of attendance is particularly significant, since regularity of attendance is one of the chief factors of efficiency in instruction. The number of schools for the school year 1913-14 was 4,235, as compared with 2,934 for 1912-13. The number of schools for the present school year remains practically the same. The number of teachers for 1913-14 was 9,462, as compared with 7,671 for 1912-13.

[38] November 1, 1916. The figures are furnished me by Mr. Crone, Director of the Bureau of Education.

attempt to accomplish more than was justified by the amount of money available. In view of the general decrease of the income of the government it was certain that the appropriations for educational work could not be increased, and it became necessary either to abandon the building program, restrict industrial education, reduce salaries or the number of American teachers, or close many of the schools. The director of education reached the surprising conclusion that it was best to limit the amount of primary education by closing many of the *barrio* schools.[39] This was a yielding of the sound principle upon which the educational structure had been erected, to the pressure of the Filipinos for higher education for the few at the expense of a common-school education for the many. But Secretary Gilbert was not willing to abandon the theory that the first duty of a government is to give all children a primary education; that while advanced education is desirable for some, it is not essential for all.[40] It is to be hoped that the educational authorities will not yield to this pressure. The salvation of the Philippines is in a system of education which rests securely upon a broad foundation of common schools for the masses.

While no religious instruction is given in the public schools by the teachers, education has not been divorced from religion and morals. It has been recognized that the mere possession of

[39] The reason given was that "the country needed a large number of well-trained young men and women as teachers and workers along similar lines. The schools to date have not been able to produce a sufficient number of this class. Moreover, the people who have had a voice in affairs have always been much more interested in intermediate and secondary instruction than in the extension of primary schools to the *barrios*. The Director of Education and his official superiors are constantly in receipt of letters protesting against the closing or demanding the opening of intermediate schools. During the past three years this Bureau has received more than six times as many communications asking for extension of intermediate instruction as for an extension of primary instruction. . . . Their attention is very rarely, indeed, called to the desirability of extending primary instruction." *Rept. Phil. Com.*, 1915.

I am assured that this recommendation was designed merely to force the hand of the governor-general and compel him to find the money to continue the primary work and that it was successful. The educational authorities always claimed that Governor-General Forbes was securing funds for unnecessary public work that should have been devoted to education.

[40] *Rept. Phil. Com.*, 1913, p. 246.

knowledge without moral principles to guide its use may be worse than ignorance. The teachers by example and precept have sought to instil into the minds of the pupils those principles of right conduct which make for character building. The degree of success obtained will determine the value of the education imparted to the Filipinos.

The results of the educational work are undoubtedly to the credit of the government and the people. Everywhere in the Far East, from Egypt and India to the Philippines, special attention is being given to the education of the native people. We have no monopoly of this altruistic work and our methods differ from those of England only in the special attention given to elementary instruction and possibly the spirit in which the work is being done.

From India, particularly, we may learn what to avoid. As Lord Cromer has said:[41] "The intellectual phase through which India is now passing stands before the world as a warning that it is unwise, even if it be not dangerous, to create too wide a gap between the state of education in the higher and the lower classes in an Oriental country governed under the inspiration of a western democracy." It is conceded by most disinterested observers that the comparative failure of the educational system of India has been due to the character of the instruction given and the stress laid on higher education, academic and technical. In both India and Egypt primary education is left largely to the private schools where the instruction is in the vernacular and under the control of the native religious teachers.[42]

The religion of Islam closes the door to western education for

[41] *Modern Egypt,* II, p. 534. "Signs of the Times in India," *Edinburgh Review,* Oct., 1907.

[42] Many of these private schools receive grants in aid from the government. The policy of the Egyptian government has been to develop higher institutions of learning to the point where they will become self-sustaining and then devote the government money to primary education. Lord Cromer's *Report, Egypt,* No. 1 (1906), pp. 82-89; Sir Elden Gorst's *Report, Egypt,* No. 1 (1908), p. 31.

For a review of the educational work in Egypt, see Sir Elden Gorst's *Report, Egypt,* No. 1 (1909), pp. 38 *et seq.*

children,[43] particularly girls, and the caste system of India presents almost insuperable difficulties to the educator. There are to-day in British India alone more than six million wives, many of them mothers, who are under sixteen years of age. The education of girls in a country where such customs exist seems almost a hopeless task. However, the conditions differ so radically that comparisons between the educational work in the Philippines, India, Egypt and Japan are of very little value.

The work of the missionaries of the Protestant churches is so closely identified with education that it may well be referred to in this connection.[44] Some of them maintain secondary schools such as the Silliman Institute at Dumaguete, for the training of young Filipinos for work among their own people. The Protestant Episcopal Church, under the direction of the famous missionary bishop, Charles H. Brent, has worked principally among the non-Christians—that is, the non-Catholic element of the population. Several years ago Bishop Brent established endowed schools at Baguio where American boys and girls can prepare for college. There are also certain private schools which receive some government aid such as Miss Kelley's School at Baguio, where Igorot girls are taught household industries and the rules of civilized life. These various schools supplement the work of the public schools.

Our educational problems in the Philippines are comparatively simple; in fact, they are mostly financial. There is still much to do and little to do it with. If the educational authorities are able to resist the pressure from a certain element for higher education at the expense of elementary and industrial instruction the Filipinos will in due time be in possession of all that education can do for any people.

[43] See Hughes' *Dictionary of Islam,* p. 106; Roy, *Century Magazine,* Sept., 1915.

[44] For a description of the work of the missionaries, see particularly, *The Progressing Philippines,* by Charles W. Briggs, a missionary in Panay and Negros (1913), and *The Philippines and the Far East,* by Homer C. Stuntz (1904).

CHAPTER XI

The Labor Problem

Climate and Labor—The Normal Labor Conditions—Customs of the Country—Problems Confronting the Americans—Exclusion of the Chinese—Elect to Develop Filipino Labor—Encouraging Results—Methods Used in Other Colonies—Penalties for Breach of Labor Contracts—Advances Obtained with Fraudulent Intent—The Bureau of Labor—Increase in Wages.

It has been said that an atom more or less added to or taken from the atmosphere which envelops us might change the course of history. With an excess of nitrogen we might become very torpid and gravitate toward final extinction. A different proportion of oxygen might mean a continuous debauch of violence. After making due allowance for ordinary racial characteristics, it is certain that the degree of heat and humidity in which men live affect appreciably their physical characteristics, ambitions, desires, and their outlook on life. Things which in temperate climes seem sufficiently desirable to induce men to strive mightily and wrestle with their limitations, have little attraction for the dwellers in the tropics. Great physical exertion seems to them too high a price to pay for any rewards it will bring. The doctrine of the strenuous life makes no appeal. To them the one blighting curse which rests on humanity is the apparent necessity for labor; their ideal life is one long siesta.

In what we may call its normal state, the tropics knows no real labor question. It is only when the white man comes and undertakes to "hustle the Aryan brown" and make the land produce more than is necessary for bare existence according to the local standard, that the indisposition of the native to work seriously becomes a matter of consequence.

Before the American occupation of the Philippines, the native employers of labor handled the situation in their own crude way, usually tying their laborers to the soil under a system of

peonage. The plans of the Americans for the development of the natural resources of the country required a different type of laborer. We were confronted with the usual problems which have caused so much trouble in other Oriental colonies. The English, Dutch, French and Germans in their colonies deal with people who differ greatly from the Filipinos, but the difficulties of the labor problem are to some extent the same in all tropical countries. The dominant factors are a great body of fertile land, capable of producing an almost unlimited supply of products, and an abundance of able-bodied men with some capacity but no inclination to perform the labor necessary to translate possibilities into realities. There is always plenty of man power but it is of low quality. Those who desired quick returns urged the American government to adopt the methods for securing and regulating a supply of labor which prevailed in neighboring tropical countries.

The Chinese exclusion laws had been extended to the Philippines, and the first demand of the contractors and large employers of labor was that it be so changed as to allow them to import at least a limited number of laborers from China. A delegation of business men visited Washington and urged the suspension of the law, but Filipino sentiment was overwhelmingly opposed to such a course and the commission finally reached the conclusion that, while it would be temporarily advantageous, it would in the end prove prejudicial to all concerned. If the country was to be developed it would have to be by its own people, under the direction and supervision of Americans.

There were serious questions of large public policy connected with the matter. The administration was urging Congress to open the markets of the United States to the Philippines and if the Chinese exclusion laws were modified the cry of competition with cheap Asiatic labor would be raised in the United States and the political influence of the labor organizations be added to that of the home manufacturers. Experience had demonstrated that the Filipinos were not able to compete successfully with the Chi-

nese,[1] and it did not seem to be a proper occasion for the application of the law of the survival of the fittest.[2]

The early experiences of American employers with Filipino workmen were rather discouraging. Labor was difficult to secure and when secured it was expensive and, when measured by American standards, of very poor quality. But as conditions became more settled, the labor situation improved and many employers became convinced that with patience and tact they could develop Filipinos into efficient laborers. The construction of extensive public works and railways required thousands of laborers who had first to be induced to work and then taught how to work. After considerable experience, the contractor engaged in building the Manila port works, wrote thus to Governor Taft:[3]

"We believe that Filipino labor can successfully be used. We are employing about one thousand Filipinos, which is a practical demonstration that this statement is not a theory.

"To successfully employ Filipino labor is, to the American employer of labor, a new business, which has to be learned. If he can not learn it he can not do business in the Philippine Islands.

"In general, the Filipinos have to be taught how to work. This requires a considerable proportion of intelligent high-grade American foremen and mechanics.

"The way to keep the Filipino laborer permanently in one's employ is to so arrange his surroundings that he is better off and more contented there than anywhere else. This we have attained by means of providing homes for the Filipinos and their families; also amusements, including Sunday fiestas, and schools where their children may be educated.

"We are opposed to the introduction of the Chinese. The only argument that we can see in its favor is that it may somewhat expedite the development of the resources of the islands. This temporary advantage is, we believe, overbalanced and overwhelmed by the ultimate injury to both the Americans and natives in the islands."

[1] For the Chinese as laborers in the Philippines, see Elliott, *The Philippines: To the End of the Military Régime,* pp. 281-284.

[2] *Rept. Phil. Com.,* Dec. 23, 1900 (*Repts. Phil. Com.* 1900-1903, p. 512).

[3] The Atlantic Gulf & Pacific Company. *Repts. Phil. Com.* 1903, p. 55. For the early experiences of other employers, see *ibid,* Exhibits N, O, and P.

With such encouraging reports of actual results the government, against the protest of many employers, decided to adhere to the policy of developing the capacity of the native workmen.[4]

It was a wise policy. The ancient theory that if you desire any one to become rich you must decrease his wants, is no longer accepted; it would destroy the civilization which rests upon the assumption that men *should want many things.* As the Philippine government could not adopt the arbitrary methods which had prevailed in many tropical colonies, it determined to educate and train the Filipino laborers and trust to time for results. The experience of less than two decades encourages the belief that when the Filipino working man has acquired a knowledge of and a desire for the things that make life worth while to an American or European, he will perform the labor necessary to enable him to obtain them. With proper and reasonable regulations, it is believed that an ample supply of efficient free labor may be developed.

But this result will require time and many people in the Philippines are not content to wait for the development of the instinct and capacity for sustained labor. Many bills designed to compel Filipino laborers to work whether they wish to or not have been introduced into the legislature at the request of the native planters. It must, however, be conceded that the time has passed when a native who has committed no crime can be *compelled by law* to work for some other man or even for himself. That being true, the solution of the labor problems of the Philippines must be found in education and training under regulations which indirectly put an amount of pressure on the individual workman sufficient to overcome his natural or acquired indolence.

[4] As a distinguished publicist has said: "There are two ways of making a man work,—by pressure from above, disguised slavery,—and by stimulus from within, the higher wages of a highly organized, free, industrial system. The last the tropics have never yet had. . . . Give the stimulus of a market and of higher wages and all men will work. Deprive them of either and contract labor laws are needed. The American may yet solve the tropical industrial problem as he has quadrupled the cotton crop in the face of all the arguments marshalled by Mr. Ireland, all made thirty-three years ago, not by laws making it harder for a man to be idle, but by an industrial system making it more profitable for a man to labor." Talcott Williams, *Annals Am. Academy of Pol. and Soc. Sci.* (1899) Supp., p. 68.

The problem is as old as the attempts of the active Occident to develop the languid Orient, the land where nature has been so prolific of raw material, and niggardly of men with the desire or capacity to utilize her gifts. Slavery, corvée, indented labor, deportation of criminals, assisted immigration, irregular taxation, vagrancy laws, imported contract labor, forced labor, and insidiously-framed labor contracts, have all been tried by different countries with indifferent success or complete failure.

The indirect methods designed to make men work who are free not to work and desire not to work have been numerous and ingenious.[5] Slavery in its crude forms is no longer advocated, but numerous devices which in their essence are little, if any, short of slavery, have been and still are in force in many countries. They are very interesting and instructive. In Rhodesia and Natal a hut or poll tax is levied on the natives, which must be paid in money or in working for some white employer. This so-called tax of from ten dollars a head upward is merely an indirect way of compelling labor under the guise of taxation. In South Africa adults who are not landowners are required to pay a tax of ten dollars a year unless they have spent three months outside of their reservations engaged in regular service or employment. This imposition continues until thirty-six months' work has been performed when the laborer may retire and be henceforth exempt. Another indirect way of forcing the slothful to work has been by the application of a misnamed vagrancy law. After slavery was abolished in the French colonies, the supply of labor almost entirely failed. The new freedmen, after their years of enforced toil, wished apparently to get thoroughly rested before engaging in voluntary labor. A law was passed which declared all persons vagrants who were not landowners or artisans regularly employed at their trades, unless they could prove that they were engaged on a labor contract for at least a year or carried a book showing a continuous labor engagement.

The Germans introduced similar vagrancy laws in some of

[5] See generally Reinsch, *Colonial Administration*, p. 376, *et seq.*; Edgerton, *Origin and Growth of English Colonies*, Chap. VII; Ireland, *Tropical Colonization*, pp. 128-216; Bruce, *The Broad Stone of Empire*, I, Chap. X.

their East African colonies. In both instances the attempt was unsuccessful. In the French Antilles the people dodged the law by securing diminutive tracts of land and thereafter raising only what was necessary for their modest livelihood. In the Dutch colony of Surinam this reversion to what Reinsch calls "a banana-patch civilization," was foreseen and guarded against. Emancipated slaves were forbidden to cultivate banana trees and the existing trees were destroyed in large numbers. In German East Africa a heavy tax was imposed upon the transportation of goods by wagon or pack animal. By thus placing the carrier at a disadvantage, it was hoped to force him to seek employment in agriculture.

The importation of contract labor has been resorted to in many countries. China and India have been the principal sources for this kind of labor. Laborers have been sent from India to English and French colonies ever since the abolition of slavery. East Indians have also been sent into parts of Africa. The system has proved advantageous to the colonies and the contract employees have carried back to their native countries large sums of money. In the year 1900 it is said that laborers returning to India from British Guiana carried with them a hundred and fifty thousand rupees. The recruiting of Indian coolies is conducted under the supervision of the government of India. Emigration is permitted from the ports of Calcutta, Madras, Bombay, and such others as may be specifically designated, to certain designated and authorized colonies which are required to have immigration agents to act as protectors of the laborers and generally look after their interests. It is claimed that under this legislation the laborers have been well cared for, but the system is not regarded as an unqualified success.

The exportation of Chinese coolies is by treaty made subject to the supervision of consular officials at the various ports of China and the colonies are required to provide a protective service for the Chinese. It has been applied chiefly in the Straits Settlements, in Sumatra, British Guiana and South Africa. The Straits Settlements and the Federated Malay States have through

this means been rapidly developed. The government there has established a very interesting method of dealing with the imported laborers, a sort of protectorate, the protector being an individual through whom the government deals in all matters referring to the Chinese laborers. The attempt to introduce Chinese contract labor into the Transvaal States invoked great opposition from a section of the British public and after the system had been tried for a short time it was abandoned. It can not of course be applied in countries in which there exists already a high class of intelligent laborers. "In general," says Reinsch,[6] "it may be said that though the administrative control of imported contract labor in the British colonies has been very careful and efficient, the system has a number of very great defects. The importation of coolies constitutes a serious discouragement to the immigration of free labor. It is therefore inadvisable in countries which can be peopled by European working men, as it is impossible for the latter to compete with the cheap Oriental labor supply, and they are consequently kept from the regions invaded by it. The moral effects of the system, too, are undesirable. . . . The system has therefore not always been found economically profitable. Nevertheless, its temporary use will in certain cases be advisable in colonies with very large natural resources which the native population can not be induced to develop. It is, however, not a system that commends itself as a normal and final method of solving the labor question in the tropics, and it certainly calls for the strictest safeguards for the protection both of the contract laborers and the local native population."

White labor will never be used to any great extent in the Philippines, and conditions are such that were the country under the control of any of the colonizing powers other than the United States, the system would undoubtedly be as applicable there as in Netherlands Indies or South Africa. At present the importation of contract labor is forbidden by the Act of Congress, and

[6] *Colonial Administration*, p. 374.

even if that law were repealed or modified it is very doubtful whether it would be wise to introduce it even in a modified form.

In fact, the very reverse of the system is now in operation in the Philippines where laborers are being recruited under government supervision for service under contracts in Hawaii. Many countries, in order to preserve their own labor supply, have forbidden the exportation of laborers except under very special conditions. In the Congo Free State and the French colonies of West Africa the recruiting of native laborers requires a special permit from the government and if they are to be exported from the colony the license is temporary only. In the Ivory Coast colony a tax of twenty-five francs a head is levied upon each laborer exported and in the French Congo the government imposes a passport tax of one hundred francs a head. In the British African colonies no native laborer can be engaged for service out of the British Dominions without the express consent of a designated government official.

For a time no restrictions were imposed upon the exportation of contract laborers from the Philippines, the government proceeding on the theory that the men were free to go and return at their pleasure. It is claimed that a term of voluntary service in Hawaii, under the strict supervision and discipline imposed by the contract system, will train the laborers in habits of work and upon their return to the Philippines at the termination of their period of contract service the training will be of service in the local field. Whether this will be the result is more than doubtful. There is no reason to believe that the privilege of enlisting laborers in the Philippines has been abused to any considerable extent. After the Hawaiian Sugar Planters' Association had sent more than nineteen thousand persons to the Hawaiian Island the legislature decided to discourage the system and imposed an annual tax of three thousand dollars on every person engaged in recruiting laborers for service abroad and in addition a tax of two hundred and fifty dollars on each province in which such person operates.[7]

[7] Act No. 2486, February 5, 1915.

The reader will understand that the labor problem as understood in the Far East relates primarily to the common workmen —the *taos* and the class known in China as coolies. Those of a little higher position in life, house servants and office employees, are reasonably efficient and require no special consideration. The common workmen under consideration range from those of considerable intelligence employed on plantations, to the ignorant mountain people who are brought down to the lowlands for temporary work during the harvest season; also, the men employed on public works, including railway construction, and those employed in various capacities by street railway and other public franchise concerns.

The Filipino is not normally a hard-working person, and yet he has been much maligned. Like many persons of wider experience and judgment, he will work only when he must or when he can see that it is clearly to his advantage. He knows nothing of the restlessness which keeps the American active for the sake of the activity. In India the natives say that "only the devils and the Englishmen walk to and fro without reason," and I presume the same thought has entered the minds of some of the natives of the Philippines.

Experience has already shown that when properly handled and fairly treated the Filipino will work very well. However, the rough and ready methods of the American foreman with his gang of European laborers will not do. When illy treated or bullied, the Filipino quits. He knows that he really does not have to work very hard. Nature has provided him and his family with the real necessities of life and he feels that he works for the luxuries only and that they are not indispensable to him. In a land where it is always summer, where no clothing in particular is necessary, where a few banana and cocoanut trees which grow by nature will support a family, the native easily accepts the orthodox doctrine that labor is a curse imposed upon men for their sins. Humboldt, when traveling in South America, found the opinion prevalent that the people there would not amount to anything until all the banana trees were destroyed. This was merely

a graphic way of stating that where the means of subsistence is too easy, it is almost useless to expect much energy from the people.

Under such conditions, it requires other arguments than that of necessity to induce the dweller in the tropics to engage in hard and strenuous labor. If his scale of expenditure is established at two dollars a week and he has employment at fifty cents a day he can see no good reason why he should not stop work on Thursday evening and begin again Monday morning.

The Filipino laborer must be treated gently and taught the art of working. Like most problems in the Philippines, this is merely one of education and training. He must be treated kindly and patiently and due allowance must be made for his physical weakness, his ignorance and his racial characteristics. When properly treated, he in time becomes a good laborer of moderate efficiency, earning fully the wages paid him. The broad statement so frequently heard that the Filipino is lazy and will not work is unjust, and has already been refuted by experience. In Manila a modern electric railway was constructed and is being successfully operated by Filipino labor under the direction of white superintendents. Under the same kind of direction Filipino laborers have built the commercial railways, harbors, docks, lighthouses, bridges and highways. Much has been done within the past few years by Filipino labor and it is confidently asserted that no business enterprise need fail for lack of labor if the employers use a little common sense and patience in the beginning and handle their employees intelligently and carefully. One of the largest employers of labor in the Philippines recently said:

"We have completed for the various branches of the insular government during the period intervening between 1901 and 1911 many contracts, varied in character, all of which we have accomplished with Filipino labor under intelligent American supervision. Never at any time since we have been in the Islands have we had quite such satisfactory results from Filipino labor as at the present time, due unquestionably to the fact that the natives who are now serving us best, and giving good account of themselves, have been going to school with us for the last ten years."

While not yet the equal of the Chinese or Japanese, as he lacks the strong physical and mental fiber of either, the Filipino is as a laborer the equal of the Javanese and the superior of any other of the Malay races.

The Moros and mountain people are required to work on the roads and trails for a fixed number of days each year. No other kind of forced labor is required.[8] There is a strong sentiment among both Filipino and American employers of labor in favor of legislation which will compel the laborers to perform contracts

[8] Some form of forced labor, particularly for the public, has existed in all countries. Solomon builded with the bond service of his people. In the seventeenth century every English parish was bound to repair the highways which passed through it, and the peasantry were forced to give their gratuitous labor therefore. A Scotch law to a similar effect was passed in 1719, and *corvée* (assistance compulsorily rendered) is still used in France for the maintenance of rural roads and in Egypt, for the care of the canals. It is a form of taxation. Cromer, *Modern Egypt II,* p. 407. The best known application of the claim that it is proper to make a man work for his own good and that of his employer and the country generally, was by the Dutch in Java during the middle part of the last century. The famous culture system pulled the country out of a financial slough, cleared up the land, built highways, and put much money into the pockets of—the Dutch. The Spanish government established the system of forced culture in the Philippines in 1780. It was at first applied to tobacco, indigo, and silk, but was finally restricted to tobacco. The natives were forced under penalty of severe punishment to grow tobacco and deliver it to the government at an arbitrary and inadequate price. As in Java, it resulted in the abuse of the natives, the discouragement of private enterprise, and such a deterioration in the quality of the product that much of it was unsalable at any price. The people of the rich Cagayan valley were reduced to misery, and in the end the system proved an economic as well as a social failure. It was based on selfishness alone. It ignored the human element, and sacrificed ruthlessly the permanent interests of the people and country for present financial gain. Elliott, *The Philippines: To the End of the Military Régime,* pp. 264, 265.

Nevertheless, it may be contended with reason that while it may be contrary to the abstract theory of a man's natural right to loaf, it is for the good of society and the laborer that he be forced to do his share. Vagabondage is a disease in the body politic, and drones, whether white or black, should not be tolerated. Labor is the basis of all advanced civilization; its absence, the sign of backwardness or decadence. Only by forcing in the thin edge of the wedge can the way to a higher civilization be opened. The most valuable service you can render an undeveloped people is to force them as children are forced and by similar means to meet the requirements of the next stage of their growth. But this argument does not appeal to the conscience of the modern world. Those who have no compunction about forcing up industry at home raise a great cry when a hand is raised to compel the languid natives of some distant colony to perform their fair share of the world's work. The reason is not far to see. While the theory is sound, it is necessarily applied in the colonies under conditions which present temptations for abuse, which experience shows that men removed from the restraints which ordinarily surround them, and free from the control of public opinion, are not able to resist.

voluntarily entered into. An act was passed by the legislative council of the Moro Province which imposed a penalty for the violation of a labor contract and it was approved by the commission as an experimental project.

Under American law the courts can not compel the specific performance of a labor contract or imprison one for a breach of such a contract. Nevertheless, regulations which might not be considered necessary or even constitutional in the United States may, with perfect propriety and fairness, be provided and enforced where peculiar conditions exist, without depriving any one of his constitutional rights. The recognition of the binding obligation of a contract is not inconsistent with individual liberty. Whenever the laborer is permitted freely to choose his employer and contract with reference to wages, time of service and kind of work to be performed, the state may properly attach a reasonable penalty of some sort for a breach of the contract. Nor need the penalty be the same in all countries or applicable equally to all sorts of people. A thousand Igorot workmen brought down from the mountains and employed in the construction of a railroad require different regulations and rules than an equal number of workmen of an entirely different class.

In western countries it has long been settled that the only penalty which can be imposed for a breach of a civil contract is civil liability for damages. In nearly all cases this is an inadequate remedy from the standpoint of the employer, as the laborer is unable to respond in damages. To the laborer who is discharged in violation of his contract of employment, his remedy in damages is generally adequate, as a judgment against the employer can usually be collected. Some states of the Union make it a crime punishable by a fine and imprisonment for an employer to fail, without cause, to pay wages due laborers; and in one state it is now a criminal offense for a contractor to fail to pay for material purchased and used in a building. These laws show the tendency to break away from the old rule which limits the remedy for breach of contract to civil damages.

In the United States this rule works fairly well because there is a developed moral sense in the better class of workmen which prevents them from wantonly breaking their contracts. Economic conditions also make it inadvisable for a workman so to conduct himself as to render it difficult to obtain new employment. But in the tropics the ordinary laboring man has not developed that sense which will make him keep his contracts and he does not feel any compelling necessity for continuous labor. Employment sufficient to enable him to gain the minimum necessary to sustain existence is always at hand. Under such conditions the employer's remedy in damages for a breach of the contract is farcical and the employers have demanded protection by some sort of penal sanction. In nearly all tropical colonies they have obtained legislation which provides that if a laborer fails to perform his part of a contract or performs it in a careless or inefficient manner, he may be punished as for the commission of a misdemeanor or crime.

The pernicious custom of advances prevails in the Philippines as in nearly every eastern country. It is as old as the original native organizations. The Dutch found it in Java and still maintain it in a modified way. There, as in almost all eastern colonies other than the Philippines, so long as the native laborer is in debt to the employer, he can not break his contract and depart without subjecting himself to liability for imprisonment. When local conditions are taken into consideration, the system seems on the surface to be fair and reasonable, but in practise it has resulted in a kind of bondage little better than slavery. The workman is never permitted to get out of debt, the employer being diligent to see that as one debt is paid another is incurred. However, it is almost impossible to secure laborers on the plantations without advancing a sum of money at the time of the employment.

The custom is a bad one, but it is so well established that it is almost hopeless to attempt to destroy it. It is as prevalent in the Philippines as in Java. The unregulated workman who can always secure work from some labor-starved planter, regards

these advances as heaven-sent contributions to the worthy to be gathered as frequently as possible. The penalty of a judgment in civil damages does not seem very terrifying to him, so he makes a contract to labor for a definite period, receives his advance of five or ten pesos, and at the first convenient time disappears, to repeat the safe and profitable transaction on a neighboring *hacienda.* The planters employ all applicants, regardless of their shady contractual history. Inevitably in a country where such customs prevail and the laborers are unorganized the conditions are very unsatisfactory.

It is apparent that some method ought to be devised by which either such advances should be forbidden or persons receiving them punished effectually for failure to perform the contract or return the money advanced.

Where the mere breach of the contract is made a penal offense, the question of intention does not enter into the matter. The punishment is imposed *for the breach of the contract,* regardless of the intention at the time the contract was made.

There is no reason why a Filipino laborer should be exempt from liability for his fraudulent acts. Obtaining money under false pretenses is a crime in all countries. The situation would be very much improved by the enactment and enforcement of a law making it a crime to secure an advance on a labor contract with the intention not to render the service. The Supreme Court of the United States held[9] that a statute which made the refusal to perform a labor contract or return the money advanced *prima facie* evidence of intent to defraud was in violation of the Thirteenth Amendment and the Acts of Congress authorized thereby, and therefore unconstitutional, because the natural and inevitable effect of the particular statute was to expose to conviction for crime those who simply fail or refuse to perform contracts for personal service. It was held that the statutory presumption established by the statute would operate to subject the accused to punishment for conduct which the legislature was powerless to make a crime.

[9] Bailey *vs.* Alabama, 219 U. S. 219.

This decision does not prevent a legislature from providing for the punishment of a person who obtains an advance of money upon an agreement to render services with the intention then entertained of not rendering the services, leaving the fact of intent to be established by competent evidence. The obtaining of money in this manner clearly comes within the definition of the ordinary crime of obtaining money under false pretenses. The debt is merged in the crime, and imprisonment for the crime of obtaining money by inducing the employer to consent to the creation of the debt is no more imprisonment for debt than where one is imprisoned for obtaining money on a forged check. In 1911 the Philippine Legislature passed such a statute, but it was repealed after the Harrison administration came into power, evidently because it was not understood.

The Philippine government should provide for the punishment criminally of any one who with fraudulent intent then had, secures an advance of money as wages on a labor contract, or as a gift by way of inducement to enter into the contract, and breaks such contract without restoring the money thus received. The intent to defraud would be deducible from the circumstances, and the court should take the previous conduct of the offender into consideration in reaching a conclusion. It would not be possible under such a law to secure convictions in all cases, but it would reach the most flagrant cases, and exercise a general restraining effect.

There should also be legislation regulating the manner of entering into labor contracts, and determining the rights and duties of parties thereunder. The form of the contract should be prescribed by law, and it should be executed before some public official, and a copy recorded with the Bureau of Labor. The contract should be in writing, and determine the number of hours' work per day, the wages, pay for overtime work, place where the labor is to be performed, and possibly other such matters. The employer should be required to furnish proper food, medicines and medical attendance in case of serious illness of laborers. A

register of laborers should be kept by every employer and changes therein reported to the Bureau of Labor.[10]

The Bureau of Labor, which was established in 1909, is required to see that laws relating to labor are enforced and generally look after the interests of working men. It is doing good work in collecting data relating to labor conditions, and particularly in adjusting controversies between employers and employees and in colonizing laborers from congested districts in other islands and communities where they are badly needed.[11] Liberal appropriations have been made to aid this work.

The attempt to unionize labor has not been very successful. In the beginning it was in the hands of agitators who were not laborers, but they seem to have been eliminated and certain trades and employments are now fairly well organized.

Wages have greatly increased during recent years. The prevailing rate for common labor is from forty to fifty cents gold per day as against about eight cents gold and a small ration of rice worth three or four cents during Spanish times. House servants then received from one dollar and fifty cents to two dollars per month. They now receive from eight to fifteen dollars per month. Skilled labor is much better paid.[12] The cost of living has greatly increased, but the Filipino laboring man was never so well off as at present.[13]

[10] It is possible that some of these matters are covered by recent legislation.

[11] Adm. Code of 1916, Secs. 1272-1275.

[12] The wages paid by the Manila Electric Railroad and Lighting Corporation, and by its predecessor prior to 1901, appear by the following table:

	Former rate.	Present rate.
Conductors per month	$8.00	$25.00
Front platform men do	6.60	25.00
Inspectors do	9.00	30.60
Cleaners and assistant cleaners do	3.00	13.75
Ordinary laborers per day	.20	.50

Hearing Senate Committee, 1915, p. 600. Testimony of Charles M. Swift. Other such corporations pay about the same wages.

[13] In my report as secretary of commerce and police for 1911, it was said:

"The information at hand, however, indicates that a statement to the effect that wages paid to-day for the following classes of labor average throughout the islands 100 per cent. more than those paid prior to 1898 is

justified: Masons, boatmen, copra workers, caulkers, overseers, carriers, carpenters, teamsters, slipper makers, cigar makers, drivers, cooks, seamstresses, saltmakers, blacksmiths, farm hands, gatherers of firewood, master carpenters, seamen, nipa workers, day laborers, fishermen, tailors, hatmakers, shoe makers.

"During the same time there has been a considerable rise in the prices of the necessities of life, but so far as the increase affects Filipino laborers it is not at all proportionate to the increased wage paid. The Filipino laborer to-day is better treated by his employers, receives more pay, lives better, and is more contented than he ever was under Spanish rule. It is also true that after thirteen years of contact with Americans he works better and is worthy of the increased pay."

CHAPTER XII

The Policy of Material Development

A Land of "Projects"—Spanish Public Works—Backwardness of Industry and Agriculture—Misdirected Energies—Public Works and Colonial Policy—Material Development and Educational Work—Governor-General Wright's Announcement—Policy Inaugurated by Governor-General Smith—Its Characteristics—"Hustling the East" with Its Own Consent—Education of the People—Success of the Policy.

In one of his political novels Rizal satirizes that combination of personal ambition, weakness of will and general impracticability, of which there are so many illustrations in Philippine history. The worthy Don Custodio had held many offices, and the records of the things which he hoped would keep his memory green had been preserved with the care characteristic of Spanish officialdom.

Taking from an old desk a formidable bundle of note-books, the first of which, fat, inflated and plethoric, bore the title "Projects in Project," he murmured, "No, there are excellent things there, but it would take a year to read them over." The second book, also voluminous, was entitled, "Projects in Course of Study." "Not that, either." Then came "Projects in Maturity," "Projects Presented," "Projects Rejected," "Projects Approved" and "Projects Suspended." These contained very little, but the last book of all, entitled "Projects Being Carried Out," contained the very least.

Alas, there were no records of "Projects Completed."

Rizal understood the character of his countrymen and the genius of the government under which they lived. While appreciating their virtues and potential powers, he had no illusions as to their weaknesses and limitations. They were, by nature's decree, citizens of the land of *mañana,* and their Spanish rulers were, of all Europeans, the people least qualified to cultivate in

them the qualities necessary for utilizing the natural resources of a country. Initiative, energy, persistence—all were wanting in Spaniards and Filipinos. The ambition of occasional individuals flickered and died amidst uncongenial surroundings, exhausted itself in the organization of societies with high-sounding names, or in preparing, docketing and filing elaborate "projects."

The Spanish government constructed a few good public works in the Philippines. They built some substantial roads, and then permitted them to decay. They never grasped the fact that, in the tropics particularly, maintenance is more important, although possibly less interesting, than construction. Hence their highways soon washed away and their ornate bridges became picturesque ruins. Some of their lighthouses were well constructed and equipped, but they were insufficient in number and the labyrinthine coasts were never properly lighted. The west coast was fairly well charted, and a skipper who was aware of the fact that the entire group of islands was some forty miles out of reckoning could find his way about with reasonable safety. Nevertheless, in Spanish times every marine insurance policy contained a clause suspending its operation while the insured vessel was in Philippine waters.

The means of transportation and communication were painfully inadequate. There were few roads worthy of the name and during the rainy months, from June to October, travel of any kind was almost impossible. There were no harbors, merely open roadways and short rivers guarded by shifting sandbars. Communication between the islands was uncertain, expensive and often dangerous. The inter-island transportation system, controlled by the exporting mercantile houses of Manila, was inadequate and also an instrument of graft and extortion. There was one railroad which extended from Manila to Dagupan, over which diminutive asthmatic engines leisurely and at irregular intervals dragged most remarkable trains. The postal and telegraph systems also were leisurely affairs.

Of manufacturing there was very little; of mining even less. It was an agricultural country. The chief products were hemp,

sugar and tobacco, the production of all of which was capable of almost indefinite extension. Agriculture was carried on in a primitive and wasteful manner without proper machinery or tools and the output, when compared with the possibilities, was insignificant.

The people had not been trained to meet new conditions. When the synthetic indigo of Germany rendered the indigo industry of the Ilocos provinces unprofitable the people were helpless. The insects which destroyed the rich coffee fields of Batangas met with no opposition. It was the will of God! Instead of the energy, skill and scientific knowledge which were required to cope with such economic calamities, there were general ignorance and shiftlessness.

The result was that the country, endowed by nature with great natural wealth and possessing almost boundless possibilities of development, remained in a primitive condition. The mass of the people, when measured by any modern standard, were miserably poor in the midst of natural abundance, while the government was a financial burden on the home country.

During the latter years of the Spanish régime the energies of the new native leaders and most of the intelligent people were directed to political ends. Then came war and the destruction of much of the wealth of the country. The Americans thus took charge of an unhappy land inhabited by a people who had never shown much initiative or any great ambition for wealth, and who were untrained in modern industrial methods. Their minds were seething with political ideas and ambitions. They had no Franklin to teach the lesson that it is as hard for an individual or a nation with empty pockets to be truly independent as for an empty bag to stand alone.

It is only within recent years that the construction of public works has come to be recognized as one of the duties of colonial administration. As late as 1830 Sir Charles Metcalfe, a very enlightened Indian statesman, maintained that India needed no roads. Prior to the time of Lord Dalhousie the East India Company did not regard the building of public works as a necessary

part of its policy. According to Sir George Chesney, "the construction of a road or canal was regarded by them, in their earlier days, much in the same light that a war would be,—as an unavoidable evil, to be undertaken only when it could not be postponed any longer, and not, if possible, to be repeated."

But during the last decade of the East India Company's government a policy of public improvements was entered upon. Lord Dalhousie inaugurated the railway system, the great Ganges Canal was opened in 1854, and in certain provinces many metaled roads and other public works of a permanent character were built.[1]

It came to be the accepted theory among colonizing people that a colony should be made materially prosperous before much attention was given to educating the people and preparing them for a part in the government. But the conditions under which America entered the Philippines seemed to require that stress should be placed on education, and a shipload of school-teachers preceded the railway material and the new agricultural machinery. Nevertheless, it was always clearly understood by the Americans that nothing very substantial, other than the establishment of order and justice, could be accomplished, until the country was made economically prosperous and the common people were relieved from the poverty in which they lived. Under such conditions, the individualistic theories which prevailed in the United States were inapplicable. The country was in the stage described by John Stuart Mill, when there "is scarcely anything really important to the general interest which it may not be desirable or even necessary that the government should take upon itself, not because private individuals *can not* effectually perform it, *but because they will not.*"[2]

[1] Strachey, *India, Its Administration and Progress,* p. 233.

[2] "At some times and places there will be no roads, docks, harbors, canals, works of irrigation, hospitals, schools, colleges, printing presses, unless the government establishes them; the public being either too poor to command the necessary resources or too little advanced in intelligence to appreciate the need, or not sufficiently practised in conjoint action to be capable of the means. This is true, more or less, of all countries inured to despotism, and particularly of those in which there is a wide distance in civilization between the people and the Government, as in those which have been conquered and

During Mr. Taft's administration the commission was busy establishing order, organizing a government and enacting legislation rendered necessary by the change of sovereignty. Important public works were projected and commenced during that period, but no definite plan for the systematic development of the natural resources of the country was worked out and adopted.

Governor-General Wright, in his inaugural address struck a new note when he announced that the preliminary work of clearing the ground had been completed and that henceforth the development of the natural resources of the islands would be the first care of the government. "I do not," he said, "underestimate the value of schools and other agencies of modern civilization which lead the masses of the people to higher levels of thinking; but to my mind, so far as concerns these people, nothing is of so much moment to them as railroads."

Unfortunately during his administration there was a recrudescence of insurrection. The institution of the assembly with the attendant elections kept political issues uppermost in the minds of the people, and the policy of internal improvement was left to be formulated and inaugurated by Governor-General Smith and carried into effect with great vigor during the first years of the administration of Governor-General Forbes.

This policy was not designed to displace the educational work which had been so much in the foreground. It did, however, aim to subordinate it for a time to matters which were deemed of even greater immediate importance.[3] The appropriations for educational work were not to be reduced, but those for public works were to be increased even though it meant an increase of taxation.

In his inaugural address Mr. Forbes said: "The resources of

are retained in subjection by a more energetic and more cultivated people." Mill, *Principles of Political Economy,* II, p. 551.

[3] On June 22, 1906, Mr. Taft, then secretary of war, wrote to Secretary of State Root: "Your familiarity with conditions in the Philippines makes you aware that no real prosperity can come to the islands, and no real improvement in the welfare and education and uplifting of the people unless the means of intercommunication between the islands and between various towns in each island shall be greatly increased." MSS. War Department.

the islands have not developed to a point where I feel that we are justified in largely increasing the appropriation for education. . . . The amount of education we shall be able to accomplish in ten years will be very much greater if we devote our first money to increasing the wealth of the people and later use the resulting increase of revenue for extending our educational facilities."

It must be conceded that there was at that time no general native sentiment in favor of such a policy. It required an amount of energy and sacrifice of which the Filipinos were incapable except under the pressure of extraneous forces. The manner in which the policy was launched and carried forward illustrates the principles which controlled the McKinley, Roosevelt and Taft administrations. The intention was to "hustle the East" within reasonable limits, but to do it with the least possible friction and injury to native sensibilities. Their wishes and desires were to receive due consideration, but the final determination of what was for their best interests was to rest with the American government. It was the adoption in essence of the well-understood British colonial policy expressed by Lord Cromer in the words: "We need not always inquire too closely into what these people, who are all nationally speaking *in statu pupillari,* themselves think best for their own interests, although this is a point which deserves serious consideration. It is essential that each special issue should be decided mainly with reference to what by the light of western knowledge and experience, tempered by local considerations, we conscientiously think it best for the subject race."[4]

It was upon such a theory only that the existence of an American government in the Philippines could be justified. If the Filipinos were competent to determine such questions they were entitled to manage their own affairs. The Harrison administration by conceding such capacity destroyed the reason for its own existence. One of the new commissioners sent out by President Wilson, in a formal address delivered soon after his arrival,

[4] Cromer's *Political and Literary Essays,* p. 12.

asked: "Why should we insist upon hustling the East against its will and at its expense if the East itself wishes to lie placid murmuring *'mañana'?"* He found no reason satisfactory to him and therefore announced that: "In whatever part I have to play in the administration of the affairs of this people I purpose to consult their wishes to the utmost extent and to spend none of their money in any way which they are not willing to vote that it should be spent."[5] His presence in the Orient seemed thereafter superfluous. The Taft government did intend to "hustle" the Filipinos to a reasonable extent, but it made the task very difficult by the early grant of important political powers to the natives.

The people were not being heavily taxed under the American government and it was believed that a reasonable increase would be borne cheerfully if it was known that the money would be honestly expended for good roads and other public works which in time would return the money, increased many fold, into the pockets of the taxpayers.

It was thought that increased production and higher prices which would result from better harbors, transportation facilities and means of communication would soon pay for the improvements. The proceeds of increased taxation expended for such purposes would enhance the value of the taxable property, the exports, the imports, and increase the consuming power of the people. With peace, order and civil liberty, all this would mean a prosperous and contented, instead of an unprosperous and discontented, community.

It was determined, therefore, that every dollar that could be saved, after paying the current expenses of the government and making liberal appropriations for education and health, should be devoted to the construction of harbors, lighthouses, roads, bridges, markets and other public works of a remunerative character. Congress had authorized a limited issue of insular and municipal bonds, but most of the proceeds of the bonds had

[5] "Democracy's Mission in the Philippines," an address by Winfred T. Denison, Secretary of the Interior, *El Ideal,* March 30, 1914.

been expended for such special projects as the harbor, waterworks and sewer system of Manila. These enterprises were purely American in their origin and execution and, except in the most general sense, were not a part of a systematic plan such as was now contemplated. But no more insular bonds could be issued and Congress continued unresponsive to the appeals of the commission for authority for further issues. As Congress refused to appropriate any money for the support of the Philippine government, the education of its new wards, or the development of the country, it was necessary to rely on the income from current taxation.

After the institution of the assembly in 1907 appropriations for public works in other than the non-Christian provinces required the consent of the Filipino representatives and it was to be inferred that their native constituents would be no more enamored of increased taxes than the citizens of more mature political communities. A campaign of education was therefore inaugurated and everywhere throughout the islands the governor-general and commissioners told the people of the prosperity which would come to them from good roads and other such public improvements. The members of the American business community were enthusiastically in favor of a policy which meant better business and promised the prosperity which seemed to have been unduly deferred. Filipino political leaders accepted it with misgivings because any great material development involved the introduction of foreign capital, which they were quick to see would prejudice the policy of early independence.[6] But the gospel of good roads, bridges, markets, artesian wells and the like appealed to the common people and the delegates to the assembly soon discovered that their popularity with their constituents was in exact proportion to the amount of public money they could induce the secretary of commerce and police to allot for expenditure within their respective districts. Thereafter there was no trouble in

[6] After the Harrison administration came into power in 1913 all franchises were granted on condition that the grantees would not obstruct the "policy of the government" and the "aspirations of the Filipino people" with reference to independence. See Act No. 2384.

securing appropriations; the difficulty was in finding the money to appropriate.

Governor-General Forbes, who, as secretary of commerce and police, had been an earnest advocate of public works, had many of the characteristics necessary for the head of an administration charged with the execution of such a policy, and the degree of success which attended it was due very largely to his initiative and energy. He had some capacity for constructive work and a strong desire to build up the Philippines, but many of his projects were as fanciful as those of Don Custodio, and in the excess of his zeal he led the government into financial troubles from which it has been with difficulty extricated.

There was some justification for the charge of extravagance in the expenditure of money for public works. Some of the projects were unwise and there were defects in the administrative system which made its operation unnecessarily expensive.

Nevertheless, the public works constructed in the Philippines during the latter years of the Taft régime are a monument to the enterprise and skill of the American government and the capacity of the Filipinos to appreciate new conditions and their willingness to furnish the money necessary for modern improvements.

Really remarkable results were achieved without the imposition of any serious financial burdens upon the people. The proceeds of the five-million-dollar bond issue were practically all expended prior to the year 1908 on special projects, and thereafter all public works were paid for out of the current income of the government derived from customs duties, internal revenue and other special taxes. Approximately ten per cent. of the total receipts was saved and invested in public works of a permanent and often of a highly productive nature. The following table shows approximately the total expenditures of the government of the Philippines during the decade following the year 1905 and the portion thereof devoted to permanent public works.[7]

[7] *Hearings Before Senate Committee on Philippines*, p. 168 (1915).

	Public Works and Improvements.	For All Other Purposes.	Total.
June 30—			
1905	P3,124,298.64	P18,800,670.08	P21,924,968.72
1906	213,716.42	17,642,986.27	17,856,702.69
1907	272,294.20	18,516,539.58	18,788,833.78
1908	1,059,511.56	21,880,059.73	22,939,571.29
1909	3,998,132.75	20,052,979.38	24,051,112.13
1910	2,811,524.32	21,139,642.73	23,951,167.05
1911	5,799,154.31	22,209,042.91	28,008,197.22
1912	2,687,768.76	28,352,049.10	31,039,817.86
1913	3,296,852.34	26,193,549.66	29,490,402.00
1914	1,222,587.98	27,656,842.10	28,879,430.08
Total	P24,485,841.28	P222,444,361.54	P246,930,202.82
Reduced to U. S. money..	$12,242,920.64	$111,222,180.77	$123,465,101.41

It should be noted that this money belonged to the Filipinos, was appropriated by them and was expended with their consent, in most instances, for things for which Oriental people have been supposed not greatly to care.

This policy of material development included much more than the building of public works. The markets of the world were waiting for the timber, the sugar, the copra and particularly for the kind of hemp that grows only in the Philippines. Of the one hundred million acres of arable land, less than ten per cent. was productive. The soil was to be awakened from its sleep of centuries. The cultivation of more land, the cadastral survey necessary to enable titles to be registered, the creation of an agricultural bank from which the small farmers could borrow money at reasonable rates with which to purchase the work animals necessary for cultivating more land, the control of waters and the irrigation of waste land, the opening of mines, the search for the much-needed coal, the teaching of scientific agriculture and the use of modern farm machinery, the establishment of a postal savings-bank, the introduction of foreign capital, the organization of industry on modern lines, the construction of suitable public buildings, hospitals and markets, water-works and sewers necessary for the protection of the public health and comfort, and

the highways and other appliances for communication by post and wire and the transportation of persons and products—all were but the means to an end, the relief of the people of the country from the bondage of poverty in order that they might have a fair opportunity to develop into an independent, self-respecting and self-supporting community.

Sewer systems, water-works and artesian wells are designed primarily to preserve health and administer to the comfort and convenience of existence. But they are also intimately connected with the economic and commercial development of a country, as it is useless to expect an anemic race, subject to constant attacks of cholera, malaria, plague and other dire diseases, to perform much hard physical labor. The parks, public gardens, boulevards and playgrounds of Manila and the new city of Baguio, where the cool and invigorating mountains breezes could be enjoyed, were all agencies for preserving the general health and generating the physical strength which the native people so badly needed.

CHAPTER XIII

Transportation and Communication

I

ROADS AND BRIDGES

Primitive Transportation Methods—Road-Building Difficulties—Early Failures—No Provision for Maintenance—Bad Legislation—Forced Labor and Toll Roads—Failure of People to Adopt Laws—The Double *Cedula* Law of 1907—Inducements to Adopt Rules and Regulations—Insular Appropriations—Conditions—The Road Committee—Classification of Roads—Apportionment of Insular Appropriations by Secretary of Commerce and Police—Encouragement of Local Efforts—Construction of Permanent Bridges —Maintenance—The *Caminero* System—Pride in Good Roads—Road Material—Cost—Road Work in the Non-Christian Provinces—In the Moro Province—Permanency—The Benguet Road—Early Mistakes—Difficulties of Construction—Policy of Government—Purpose of the Road—Its Cost—Practical Abandonment—Its Justification.

A traveler who visits every part of the Philippine Archipelago will at some stages of his journey use about every instrumentality of transportation known to primitive and civilized man. He will find the ocean steamer, sailboat, railway train, automobile, carriage, *carromata,* carabao cart, raft, pack animal, *cargador,* 'rickshaw, sedan chair and hammock in use, and will, if of reasonable weight, ride from boat to dry land astride the neck of a sturdy native. But the primitive is rapidly making way for the modern as roads and railways replace the ancient paths and trails.[1]

For transportation purposes the ordinary highways and bridges must always be of primary importance, and the extent and condition of the roads is a fair index of the intelligence and enter-

[1] For an interesting account of transportation methods, see an article by Mr. O. G. Jones in *Far Eastern Review,* April, 1915.

prise of the people of a community. However, as Americans in their own country are but just beginning to realize the money value of good roads, it is not surprising that the Filipinos were found somewhat indifferent to such matters. But they were, in this respect, not much behind the average rural community in the United States and they had much more to contend with in the way of climate, poverty and tropical lethargy.

The problem of roads has always been one of great difficulty in all tropical colonies. In temperate climates it is possible to traverse even a bad road at all times of the year. In the tropics it is an impossibility, not merely a difficulty. During the rainy season the bottom of a road simply falls out.

The roads are difficult to construct and more difficult to maintain after they are built. Torrential rains wreck the most scientifically built highways and scatter the bridges over the country. Slides and washouts are of constant occurrence. A puddle on the surface soon becomes a sink and in an astonishingly short time the weak spots in a road become bottomless pits. Vegetation encroaches with marvelous speed and unless constantly attacked soon smothers the road.

Every colonial government has struggled with the road question and each colony can show a few good highways. The Dutch in Java, the French in Indo-China and elsewhere, and the English in all their colonies, have built expensive highways, but they are generally trunk lines without proper feeders penetrating the interior. In the Philippines we have worked out a comprehensive scheme of road building in which every mile of road built forms a part of a system which when completed will reach into every part of the islands.

The work has been rendered more difficult than it would otherwise have been by the self-imposed necessity of securing the cooperation and consent of the natives as a condition precedent to doing anything. This fact must never be lost sight of when considering what has been accomplished. A central government such as that of India and Java, with unrestricted control and ample funds, can easily build highways, railways and other

public works. The necessity for securing the cooperation of an uneducated and uninstructed native population adds immeasurably to the difficulties.

The construction work done in the islands prior to 1908 was sporadic and without system. Roads were built here and there as required by military considerations or the necessity for providing work for the inhabitants. Previous to that year insular appropriations were made for specific projects in various parts of the islands and no conditions were attached whereby the provinces were required to raise funds on their own account and to maintain the roads. About two million dollars were spent in this haphazard way.[2] The fact that nothing permanent was being accomplished was fully realized. In his annual report for 1907 Secretary Forbes said that the construction done by the Americans had been allowed to deteriorate until, "with few exceptions, the condition of the roads throughout the archipelago is lamentable and is growing worse from day to day. What were good and passable roads three years ago are now quagmires in the rainy season, and throughout the past year it has become evident that to avoid a paralysis of industry in many districts a drastic change of policy is needed in regard to road construction and maintenance. Failure of the road law brought the commission face to face with this serious problem. . . ."[3]

The legislative part of the road work had been sadly muddled. The commission seems to have left the preparation of the necessary laws to Commissioner Forbes,[4] who as secretary of commerce and police was in charge of public works, but Mr. Forbes' knowledge and experience in legislative matters were in inverse proportion to his zeal for good roads. Although the importance of maintenance was fully appreciated, no provision for insuring it was embodied in the first laws.

[2] *Rept. Phil. Com.*, 1908, Pt. II, p. 341.

[3] *Rept. Phil. Com.*, 1907, Pt. II, p. 276. Governor-General Smith, in his report as acting secretary of commerce and police for 1908 (*Rept. Phil. Com.*, 1908, Pt. II, p. 340) said: "The disastrous effects of this policy are only too evident in the present condition of most of these roads, many of which have become impassable for lack of maintenance."

[4] See an article on Mr. Forbes' "Remarkable Achievements" in the *Boston Transcript*, June 6, 1912.

The proceeds of some special tax such as the export tax on hemp, might well have been set aside for road work.[5] It was within the power of the commission to make direct appropriations for road construction and maintenance and to place both under the control of the insular engineers. The provinces might have been required to appropriate a reasonable amount for the maintenance of the roads constructed with the proceeds of general taxation. Instead of adopting some such simple and effective procedure, the commission resorted to the most antiquated and objectionable of all devices, forced labor and toll roads.[6]

The original road law[7] provided for five days' labor of eight hours each per year or an optional equivalent cash payment for such labor, computed at a rate of from twelve and one-half cents to one dollar per day. This labor or money was to be expended under the supervision of the municipal president, upon the public highways, bridges, wharves and trails, within the municipality where it was collected. But the act was not to be effective in any province until adopted by a convention of municipal presidents and councilmen. The law was subsequently amended[8] to allow it to be adopted by single municipalities.[9] Not a single province or mu-

[5] An export duty on some special product to raise a fund for road building has often been used by British colonies. See Bruce, *The Broad Stone of Empire,* II, Chap. XXII.

The export duty on hemp was repealed by Congress in 1912, out of deference to abstract theory and uninstructed sentiment, and the Philippine government was deprived of five hundred thousand dollars per year without increasing the price received by the hemp producers. The building of a single good highway into a hemp-producing district would have meant more to the producers than did the repeal of the law.

[6] The expectation that the Filipinos would voluntarily adopt the system of forced labor suggests an inadequate knowledge of their history and a degree of confidence hardly justified by its consideration. Of course it failed. As Governor-General Smith said: "The deep distrust of the labor system is attributable to many causes, among others the alleged great abuses which arose out of the system in the latter part of the Spanish régime." (*Rept. Phil. Com.,* 1908, Pt. II, p. 343.)

Foreman (*The Philippine Islands,* p. 218) says: "Every male adult inhabitant, with certain specific exceptions, had to give the State fifteen days' labor per annum or redeem that labor by payment. Of course thousands of the needy class preferred to give their fifteen days. This labor and redemption money was only theoretically employed in local improvements."

[7] Act No. 1511, July 13, 1906.

[8] Act No. 1617, March 20, 1907.

[9] Act No. 1653, May 18, 1907.

nicipality adopted the law. The commission also authorized any province with the approval of the governor-general to declare certain roads toll roads for a period not to exceed five years and to use the income for the maintenance of the roads. Apparently but one province availed itself of this privilege. Toll roads were no more popular in the Philippines than in the United States.[10]

Finally, in May, 1907, the commission passed what became known as the Double *Cedula* Law,[11] on which a successful road policy was founded. The forced labor system was abandoned. It was recognized that while the people of the provinces desired good roads, the longing was not strong enough to induce a voluntary imposition of the necessary financial burden. They preferred to have the insular government build and pay for the highways.

The general policy of the government required that the grant of local self-government should include the assumption of local burdens. It was determined, therefore, that the provinces should bear their fair share of the cost of construction of the roads and bridges, which would be their property. But the objectionable local option provision was retained. The new law authorized the provincial board of any province in its discretion annually to double the *cedula* (poll tax), and add the extra sum thus raised to its road and bridge fund. As an inducement to the boards to act it was provided that ten per cent. of the total internal revenue receipts should be apportioned according to population and added to the road funds of the provinces which doubled the *cedula*. They were also given an additional five per cent. for their local school fund.[12]

Appropriations for specific projects were thereafter to be conditioned on the adoption of the double *cedula* by the province in which the money was to be expended.[13] In 1908, in addition to the ten per cent. of the internal revenue, the legislature appro-

[10] Report Director of Public Works. (*Report Phil. Com.*, 1908, Pt. II, p. 449.)

[11] Act No. 1652, May 18, 1907.

[12] Act No. 1695, Aug. 20, 1907.

[13] This device, which was commonly called the "bale of hay" (suggested

priated three hundred and fifty thousand dollars for roads and bridges to be apportioned among the provinces in the discretion of the secretary of commerce and police. The insular government thus appropriated for roads and bridges for that year the substantial sum of $1,046,605.11.

In 1909 no appropriations for specific projects were made, but in addition to the ten per cent. of the internal revenue, seven hundred and fifty thousand dollars was appropriated for roads and bridges in those provinces which should accept the provisions of the general law and by resolution of the provincial board, guarantee, by continuing annual appropriations, the establishment on all first-class roads thereafter constructed of a conservation system approved by the director of public works. This fund was made allottable in the discretion of the secretary of commerce and police.

Secretary Forbes thereupon prepared rules and regulations for carrying the law into effect, which provided:[14]

1. The order of importance in road work is maintenance of existing roads and bridges, repair and reconstruction of existing structures, and the application of the remaining funds to new construction.

2. The allotment of funds only to provinces doubling the *cedula,* in proportion to the population.

3. The adoption by the provincial board, prior to receiving the funds, of a prescribed resolution providing that:

(1) The money should be expended on first-class roads selected by the provincial board with the approval of the director of public works.

(2) Such roads should be maintained under a system of continuing maintenance prescribed by the director, which should include:

(a) The employment during the wet season of at least one

by the old scheme of fastening a bunch of hay permanently a few inches in front of a lazy mule's nose), was the work of Governor-General Smith. Without it the law, like its predecessors, would have been a failure.

[14] See also a "Letter to the Provincial and Municipal Offices," dated June 16, 1908, *Rept. Phil. Com.*, 1908, Pt. II, pp. 478-484.

caminero for each kilometer, and during the rest of the year "on an average" of one *caminero* for each two kilometers of first-class road.

(b) The deposit, in prescribed places along each first-class road, of not less than fifty cubic meters of broken stone for each kilometer of stone road, and not less than forty cubic meters for each kilometer of gravel surface road. The receptacles were to be kept constantly replenished.

(c) The making of a continuing annual appropriation by the province of one hundred and seventy-five dollars for each kilometer of first-class road.

It was also required that the province should stipulate that when any section of a first-class road was allowed to deteriorate it might, after due notice, be taken over by the district engineer and maintained at the expense of the province.

Soon after the enactment of the double *cedula* law a road committee was appointed to plan a system of roads for the islands.[15] This committee visited the provinces and, after consultation with the provincial officials and others, recommended that, with reference to their importance, the highways be classified as insular, provincial and municipal. The insular roads, which were to be built by the central government, included the main highways necessary for interprovincial communication to which the provincial roads were to be feeders. Roads and trails of mere local importance were classified as municipal. It was estimated that the system could be completed within ten years.

Roads possessing substantial foundations and drainage, a durable and continuous surfacing, and permanent types of bridges and culverts sufficient to accommodate heavy traffic throughout the year were to be known as first class.

Those partially surfaced and surfaced roads of such width and light grade as would permit the passage of light traffic throughout their entire length were to be known as second class.

Those roads and trails over established routes varying from

[15] Of course, for this purpose each island had to be treated as a unit.

narrow roads passable with difficulty for light traffic to trails passable only for ponies, were called third class.

By making the general appropriation for roads and bridges allottable by the secretary of commerce and police, the government was able to adopt and pursue a systematic course of construction, while encouraging and assisting the local authorities to bear a reasonable part of the financial burden. The system also secured centralized control with the power to make it effective. Secretary Forbes adopted the plan of apportioning one-half of the total insular appropriation among the provinces according to population and of allotting the balance to insular roads and projects and the purchase of road machinery and equipment. Some of the money was used very effectively for prizes to provinces for the best road work, and to individual *camineros* for the best road maintenance. The expenses of administration, such as the printing of manuals and circular instructions, the purchase of books and maps, the salaries of special engineers and draftsmen, and the expenses of the road committee, were provided for out of the same fund.

This policy was adhered to during my administration of the department, and seems to be still in force, although the legislature, in 1914, made the allotment of the entire appropriation according to population compulsory.[16] Under the influence of the aggressive good roads propaganda all the provinces doubled the *cedula* and were able to secure the benefits of the law.[17]

The new policy resulted in a tremendous improvement in conditions. Already, on June 20, 1908, two hundred and sixty miles of first-class road were under the system of maintenance prescribed by the law. Very substantial sums of money were found for the work. During the fiscal year 1912 there was expended

[16] Act No. 2378. The allotment of funds apportioned for the provinces, organized under the Special Government Act, was left discretionary.

[17] In 1910 the unsatisfactory provision which required the provincial boards to renew their action each year was removed by an act which provided that the action of the board should stand permanently unless repealed with the approval of the governor-general. This public-spirited "joker" was carefully hidden in the law and was adopted by the assembly without appreciating its importance.

for the construction, maintenance and improvement of roads and bridges, $2,193,523.21, of which $1,003,298.56 were insular funds, $1,142,900.24 provincial funds, and $47,324.42 municipal funds. At the close of the fiscal year 1912 there were in the islands, exclusive of those in Manila and the Moro Province, 1,839.7 kilometers of first-class roads, 2,159.9 of second-class roads, and 3,216.7 of third-class roads.[18] During that and the succeeding years there was a shortage of money, and it became necessary to stop work on many public projects, but the road work was kept active by loans from the Gold Standard Fund to the provinces and municipalities.

Torrential rains, which are so frequent in the country, make the matter of culverts and bridges of prime importance. Early in the campaign it was determined that no more money should be expended on cheap bridge work. Until funds sufficient to build permanent structures were available, the old temporary bamboo bridges and rafts must do. The result of this wise policy was that many of the creeks and rivers are now spanned by reinforced concrete structures of an unsurpassed type which nothing short of a flood or earthquake can destroy.

The Philippine road policy has been successful. In no part of the development work have better results been obtained for the money expended. Since 1908 very little money has been wasted on roads or bridges.[19] The people had to be educated, coerced and bribed into active cooperation in the work, but they soon learned to appreciate the value of good roads. The building of a first-class highway into a region meant easy access to markets which before had been inaccessible. Products which had rotted in the fields were transmuted into money. Land values often doubled. The stupidest countryman could appreciate such elemental facts. The people were very naturally eager for allotments of insular funds in aid of local roads and other projects, but they soon learned that the money could be obtained only

[18] *Report of Secretary of Commerce and Police*, 1912, p. 148.
[19] The Benguet road may be regarded as a possible exception.

by those who were willing to bear a share of the burdens in proportion to their abilities. There was to be no manna falling from a government heaven at Manila. It was a matter of assistance, not of bounty. The allotments rested with the secretary of commerce and police, and under the law his judgment was final.

Delegations were constantly calling on the secretary soliciting funds. If the project was one deserving encouragement they were informed that it would be investigated. If the engineer reported that it was desirable and the cost reasonable, the local authorities were again consulted and the limit of their financial capacity ascertained. Often they had little cash, but were willing to contribute material and labor. After stretching their resources in money, material and labor to the limit, and making the regular provision for future maintenance, the balance of the required amount was allotted to the locality and the road built. When completed, it meant something to the locality. It was not the result of the charity of a distant government. It represented the sacrifices and labors of the citizens and they felt responsible for its care and preservation. It is safe to say that nowhere in the tropics are the highways so carefully guarded and maintained.

When a road was completed and delivered to the province for maintenance it was thereafter regarded as *property,* and the provincial treasurer was required to account for it *as such,* and any neglect which results in its loss or depreciation was followed by swift punishment.

Provinces, municipalities and individual *camineros* were encouraged to compete in the race for good roads. Local pride was cultivated and appealed to. Substantial prizes were offered for the province doing the most construction work and showing the best maintenance. A prize of five thousand dollars, awarded to one province, was immediately invested in a much-needed bridge, which was dedicated with a great display of local pride. The *camineros,* the common workmen in charge of road maintenance, competed for the individual prizes. Ornamented with suitable badges of authority, these lowly members of the hier-

archy often developed a pride in their work not always shown by their more highly placed brother government officials.

As one passed through the country he saw the *camineros* everywhere with wheelbarrow and shovel replacing the scattered gravel, or with a pair of shears clipping the grassy lawns which line the road. As his automobile rushed along a beautiful highway bordered with palms and feathery bamboo, the *caminero* would often stand at attention and salute with military precision as he swelled with pride in his kilometer of highway.[20]

The cost of road construction alone has not been very high, but the permanent type of bridges are expensive, and when they are included the average cost per mile of the heavily surfaced roads has been about $8,250. While labor is much cheaper than in the United States, more of it is required to get the same results. In determining the type of road to be constructed the government has not been bound by any abstract or theoretical considerations. The finances, the climatic conditions, and the available materials have been the determining factors. Concrete, because of its cost, has been out of the question. Good rock for macadam roads is difficult to find and to bring it from distant quarries is very expensive. On certain roads various kinds of asphalt and oil binders have been used with good success. Gravel for surfacing is abundant and cheap, and, where the volume of traffic is reasonable, a heavy gravel surface on a permanent foundation makes a good road which can be maintained with a reasonable expenditure. The rapid increase of automobile traffic, particularly in the direction of auto-truck lines serving as feeders to the railways, will necessitate the resurfacing of many of the roads with broken rock. The expense, however, will not be great, as the foundations, structures, drainage, etc., are already provided.

The system of road construction and maintenance which has been described applied to the territory within the legislative jurisdiction of the Philippine Legislature. It will be remembered that

[20] When the Duke of Edinburg visited Japan in 1868, prayers were offered for his safety to the God of Roads. Lord Redesdale's *Memories*, II, p. 497.

the country was, for legislative purposes, divided into two parts: one under the Philippine Legislature, the other under the control of the Philippine Commission, which included the non-Christian provinces, the Moro Province, now known as the Department of Mindanao and Sulu,[21] and a third group, occupying an intermediate state, organized under the Special Provincial Government Acts. The Moro Province had its independent legislative body, subordinate, however, to the Philippine Commission. The provinces organized under the Special Provincial Acts were in a sort of intermediate stage, control being divided between the legislature and the commission.[22]

The general road law, which has been considered, did not apply to the non-Christian provinces or the Moro Province. Recently the legislature authorized the distribution of a portion of the general road fund to the special provinces and the non-Christian provinces which are governed by special road laws. The latter provinces are mostly mountainous and inhabited by the so-called wild people, and are not yet sufficiently advanced to require first-class roads. The people are natural trail builders, and, under the direction of American officials, many hundreds of miles of good trails have been economically constructed. Every part of their territory is now accessible.

The Moro Province, with its special form of local government, levied its own taxes and built its roads without the assistance of the insular government. In 1912 its legislative council enacted a law similar to that in force in the northern non-Christian provinces, and it seems to be working very well. Every male non-Christian between the ages of eighteen and sixty years is required to pay a *cedula* tax of three pesos annually, two for the road and bridge fund and one for the general fund. Those who pay the internal revenue *cedula* are required to pay only the two pesos annual road tax. Delinquents must furnish fifteen days' labor.

General J. J. Pershing, the governor of the province, in his

[21] Act No. 2309, Dec. 20, 1913.

[22] The new Philippine Legislature has jurisdiction over the entire Archipelago.

report for 1912 said: "Moros and other non-Christians have learned the benefits of good roads, as is shown by the decreasing difficulty of obtaining road labor. Hundreds of days of labor have been given to the provinces during the year by Moros anxious to have roads through their part of the country."

Road building was commenced in the Moro Province about 1909 and by 1912 there had been completed 80 kilometers of first-class road at a cost of $105,686.80, 153.6 kilometers of second-class roads costing $76,462.82, 106 kilometers of third-class roads costing $4,844.87, and 453 kilometers of trails built by a road tax or by free labor. When it is realized that the total income of the province for the fiscal year 1913 was only $367,654.09, the extent of the investment in goods roads will be appreciated.

In addition to the work thus done by the local authorities with money furnished by the natives, the military authorities have built a first-class road from Camp Overton, on Iligan Bay, to Camp Keithley on Lake Lañao in the interior, and a good road beyond there to Malabang, on the south coast.

Of the highways constructed by the insular government without the assistance of the provinces, the famous Benguet road is by far the most important. Such serious mistakes were made in the designing and construction of this road that it became a fair subject for criticism and the opportunity was taken advantage of to the limit. It was in fact made a political issue and the policy of the administration was so grossly misrepresented that it has been difficult to secure consideration for the enterprise on its merits.[23]

The highway was a by-product of the plan to construct a railroad into the mountains, to a point where a sanitarium had been located. The Spaniards were familiar with the advantages of the region and appreciated its importance as a resort for Europeans who were suffering from the effects of the tropical climate.

[23] For the grounds of the opposition as stated by Mr. Quezon, see *Hearings Before House Com. on Insular Affairs,* on H. B. 20049, Feb., 1912, pp. 55 *et seq.*

In 1892 Spanish engineers opened a trail into the country from San Fernando, on the west coast, by way of Naguilian, and surveyed other possible road routes. Secretary Root seems to have directed the Taft Commission to open up the Benguet country if it was found practicable; and, early in 1900, the various routes were investigated by members of the commission and its engineers.

The commission was then thinking of a railroad and Captain C. W. Meade was directed to make a survey in order to ascertain the most practicable route and the probable cost of such a road. He reported that it was possible to build a railroad up the valley of the Bued River, but recommended that the line be first opened as a wagon road. Captain Meade thought that the road could be constructed for the modest sum of seventy-five thousand dollars, and on December 21, 1900, the commission, apparently without having his estimate checked and verified, appropriated that amount and authorized the building of a highway from Pozorubio, in the province of Pangasinan, to Baguio, "under the general supervision of the Military Governor and the immediate direction of Captain Charles W. Meade, 36th Infantry, U. S. Volunteers, *who has been detailed by the Military Governor for that purpose,* along the general line of survey recently made by Captain Meade for a railway between said towns."

The distance from Pozorubio to Baguio is thirty-eight kilometers, the first six of which are across a low level plain to a point where the Bued River flows out of its canyon. From there the road was to follow the river to its source on the mountain plateau near Baguio. It was soon discovered that Captain Meade had entirely underestimated the difficulties and that his survey had been very superficial. It is surprising that the commission, with the knowledge of the conditions which it then possessed, should have proceeded without further investigation.[24]

It was really about as difficult a route for a railway as could

[24] Mr. H. L. Higgins, an experienced railroad engineer who visited Baguio with members of the commission, made an unsuccessful attempt to find his way down the gorge, but expressed the opinion that, with proper equipment, *a party could get through.*

be imagined. From Baguio to where the river reached the plains, a distance of about twenty miles, there is a descent of approximately five thousand feet. Most of the way the river flows between precipitous mountain walls that rise at some places to a height of from three to four thousand feet, with occasional peaks reaching six or seven thousand feet. At intervals the dark and narrow canyon expanded into basins reeking with rank vegetation. The dense forests were festooned with vines and dank mosses. On the upper waters of the river there is a fall of almost a thousand feet in a distance of about a mile in a direct line. Thereafter the narrow stream rushed and boiled its way around and over huge boulders, some of which were as large as a farm-house. Nevertheless, there was nothing in the general outward appearance of the country to discourage absolutely an enterprising engineer familiar with mountain railway construction. But the appearances were deceitful.

No adequate preliminary investigation was made as to the nature of the rock and it proved impossible to find any solid foundation for the road. Cuts in the mountain sides resulted in innumerable landslides.[25] All sorts of difficulties were encoun-

[25] Mr. J. W. Beardsley, in his report in Dec., 1903, said: "The topographical and geological features of the Bued River Valley are remarkable. The elevated peaks are generally connected by ridges too narrow for a roadway. The slopes from these ridges to the peaks and the side slopes of both ridges and peaks are too steep for practical use. Frequently the connecting ridge is entirely washed away, and no feasible method of reaching the lower level exists. The construction of an intermediate trail along the mountain sides is impracticable on account of the remarkably steep slopes and the frequency of slides, which can not be avoided. These slides suggest that nature has not yet reached a state of equilibrium. Normal slopes for loose earth and rock vary from 30 to 35°; slopes for similar material in this valley are occasionally over 45°, and the material is held in place principally by its covering of vegetation. These slopes, with their resulting slides, are due to (a) seismic disturbances, (b) chemical formation of rock, and (c) climatic conditions. . . . Slides frequently occur during the rainy season on portions of the slopes apparently well protected by vegetation, and during the dry season these slides are of occasional occurrence over portions not so protected. No construction can withstand the effects of these large landslides. The material is angular and disintegrated broken rock. The rock outcroppings show a hard conglomerate in the lower portion of the valley, consisting of water-worn pebbles and boulders cemented together with volcanic rock. . . . Where the rock appears fairly solid it is not uncommon to have a slide of several hundred tons occur after a cut has exposed the rock to weathering effects for a few months." *Rept. Phil. Com.*, 1905, Pt. III, pp. 363-367.

tered. Labor was scarce, unwilling and untrained. An amount of money equal to the entire first appropriation was expended in making a road-bed along the cliff at the entrance of the first canyon.

Progress was very slow. In August, 1901, Captain Meade was succeeded as engineer by Mr. N. M. Holmes. In October, 1901, the commission reported to Secretary Root that the construction had "been much delayed by the difficulty of procuring the labor requisite for its early completion, and several months will yet elapse before it is finished." It was finally borne in upon the commission that there was a strong probability that the entire project would have to be abandoned, to the very great discredit of the government. In September, 1902, Mr. J. W. Beardsley, the consulting engineer to the commission, was directed to visit the scene and make a thorough investigation. In December he reported that it was possible to build the road, but that it would cost an additional one million dollars.[26]

The commission was now facing a serious situation. The Benguet road was not an ordinary highway project. The development of Baguio seemed to be required by political and social as well as economic considerations. Governor Taft intended that it should become the future political capital of the country. It was deemed necessary for the health and happiness of American soldiers and officials, and the white men who would in the future come to live in the islands, and Baguio could not be made available unless the road was completed. It was then assumed that any railroad which might be built would have to follow this river road and the failure of the road meant that the entire scheme of building a capital city on the healthy table-land would have to be abandoned.

After thorough investigation and careful consideration of every feature of the situation, it was determined to complete the

[26] Rept. Secretary of Com. and Pol. (*Rept. Phil. Com.*, 1903, Pt. III, p. 18).

Mr. Beardsley's report had evidently not been received when, on Nov. 1, 1902, Governor Taft wrote in his annual report that "it was doubtful whether the total cost of the road *would be less than three hundred thousand dollars.*"

road regardless of expense. Therefore on January 1, 1903, a resolution was adopted which declared the policy of the commission to be to make the town of Baguio the summer capital of the Archipelago and to provide suitable communication therewith. In his report dated November 15, 1903, Governor Taft, after referring to the serious engineering mistakes which had been made and the unexpected cost of the work, said:[27]

"One of the things essential to progress in the islands is the coming of more Americans and Europeans who shall make this their business home. If there can be brought within twelve hours' travel of Manila a place with a climate not unlike that of the Adirondacks, or of Wyoming in summer, it will add greatly to the possibility of living in Manila for ten months of the year without risk. It will take away the necessity for long vacations spent in America; will reduce the number who go invalided home, and will be a saving to the Insular government of many thousands of dollars a year. It will lengthen the period during which the American soldiers who are stationed here may remain without injury to their health and will thus reduce largely the expense of transportation of troops between the islands and the United States. More than this, Filipinos of the wealthier class frequently visit Japan or China for the purpose of recuperating. People of this class are much interested in the establishment of Baguio as a summer capital, and when the road is completed a town will spring up, made up of comfortable residences, of a fine, extensive army post, and sanitariums for the relief of persons suffering from diseases prevalent in the lowlands. . . . It is the settled purpose of the commission to see this improvement through, no matter what the cost, because eventually the expenditure must redound to the benefit of the government and people of the islands."

In pursuance of this policy, arrangements were made for pushing the work to completion, and Major L. W. V. Kennon was placed in charge as engineer. The one hundred and seventy-three employees with which he commenced work were soon increased to four thousand. New surveys were made in order to comply with the instructions of the commission that the road

[27] *Rept. Phil. Com.*, 1903, Pt. I, p. 58; *Rept. Phil. Com.*, 1900-1903, p. 516.

should be of such a kind as to be later available for a railroad. The surveys, plans and specifications were in part remade in order to provide for an electric railroad bed with a width of fourteen feet.[28]

Notwithstanding the natural obstacles and occasional tropical rains which did great damage, the road was finally built and opened for traffic on March 27, 1905. On November 1, thereafter, the total cost had been $1,966,874.05,[29] but much of the work was of a temporary nature which later had to be reenforced or replaced. The numerous wooden and suspension bridges which carried the road back and forth across the river had to be replaced by steel constructions which also in time required strengthening in order to carry the unexpected volume of heavy freight. In fact, the road never was really completed.

The heartbreaking feature of the situation was that any part of the work, however well done, was liable at any time to dis-

[28] First Rept. of Major Kennon, Sept. 1, 1904 (*Rept. Phil. Com.*, 1904, Pt. III, p. 160).

[29] See Rept. Secretary Com. and Police, Nov. 3, 1905 (*Rept. Phil. Com.*, 1905, Pt. III, p. 25). The following table, prepared by the Bureau of Insular Affairs, shows the expenditures and the sources from which the money came. *Hearings House Committee on Insular Affairs,* on H. R. 20049, Feb., 1912, p. 64:

Fiscal year—	
1902. Construction from insular revenues	$142,113.01
1903. Construction from insular revenues	152,800.56
1904. Construction from insular revenues	459,386.94
1904. Construction from Congressional relief fund	366,260.505
1905. Construction from insular revenues	376,367.99
1905. Construction from Congressional relief fund	228,310.73
1905. Construction from public works bonds	204,173.24
1906. Maintenance and repair from insular revenues	45,025.695
1906. Sale of equipment (refund to revenues)	53,621.69
1906. Construction from Congressional relief fund	55,246.765
1907. Maintenance and improvements from insular revenues	9,620.37
1907. Improvements from Congressional relief fund	102.52
1908. Maintenance and improvements from insular revenues	15,887.095
1909. Maintenance and improvements from insular revenues	2,894.645
1910. Maintenance and improvements from insular revenues	47,718.26
1911. Maintenance and improvements from insular revenues	26,848.46
Total	$2,186,378.475
Cost of Benguet Road, 1901-1905	$1,929,412.975
Improvements and repairs thereto, 1906-1911	149,722.12

appear beneath a landslide or be swept away by a flood. The mountains seemed to be quivering masses of shale rock eager to disintegrate and slide on the slightest provocation. The rainfall in that region is phenomenal. Storms sweeping up from the China Sea break against the mountains and are precipitated in a concentrated mass about the head waters of the Bued River. On June 30, 1905, seventeen inches of water fell within twenty-four hours. On October 17, 1906, within the same period of time, there was a fall of twenty-six inches and the Bued River rose fifty feet in its bed and carried away four of the largest bridges. During the twenty-four hours following the noon of July 14, 1911, *there was a fall of 45.99 inches of water at Baguio.*[30] At one place the side of the mountain fell into the gorge and covered the road to a depth of one hundred and fifty feet with boulders, gravel and huge trees.

The engineers reported that it would cost five hundred thousand dollars to dig the road out and the money was not available. It seemed that the problem of future maintenance of the Benguet road was settled for all time. While matters were at a standstill, kind Providence brought another typhoon and the rushing waters carried away much of the debris. It was now possible to rebuild the road, but even if the necessary funds could be obtained, experience showed that it would be folly to continue the unequal struggle with nature.[31] The government now entered into arrangements with the Manila Railroad Company which it was hoped would result in the construction of a railroad over another route into Baguio within about three years.[32] It was then determined that the road should be put into condition for tem-

[30] The average rainfall in the Philippines is 2.400*mm.* The extremes are Zamboanga .900*mm*, Baguio 4.500*mm.*

[31] On Feb. 22, 1912, General Edwards, Chief of the Bureau of Insular Affairs, told the Committee on Insular Affairs that "The Benguet wagon road has been washed out. They find, after thirty-six inches of rain in one day which they got there, that it is not a practical road, and so I don't think they would be wise in spending more money on the wagon road. . . ." *Hearings on H. R. 20049,* p. 43.

[32] The railway company, under its contract, was entitled to use the Benguet road for its line, but declined with thanks.

porary use until the railroad was completed, and this was done with an expenditure of fifty thousand dollars. At the same time the Naguilian trail from the coast was improved to a point where in good weather it could be used by small automobiles. Baguio was thus saved from the danger of isolation, and the question of the ultimate disposition of the Benguet road was postponed for future consideration. The attempt to build the railroad was not successful and the policy now seems to be to make the Naguilian road a permanent one.[33]

By May 1, 1913, the Benguet road had cost, including improvements and maintenance, $2,754,281.05, an amount out of all proportion to its value as a highway.[34] Nevertheless, the men responsible for its construction, while regretting the early mistakes, have never doubted the wisdom of the final policy that was pursued. If the Philippines remain an American possession, the future will show that they were right; otherwise their work will be thrown away. The money invested should be charged to the expense of building a capital city and resort in the health-giving atmosphere of the mountains, where white men can live and thrive, free from the debilitating effects of the heat of the lowlands. It should become the great health resort of the Far East. But the Filipinos have never liked Baguio and the political element has always bitterly opposed its development. The Philippine Legislature could never be induced to appropriate money for the city, or for the Benguet road, and funds for the construction of the road and the government buildings at Baguio, which is in a non-Christian province, were appropriated by the commission or provided under a complicated system of transfers. From 1910 until the advent of the Harrison administration, the government moved over the Benguet road to Baguio for the months of March, April and May of each year. But the new administration consented to the passage of a law which forbids the an-

[33] *Rept. Phil. Com.*, 1914.

[34] The average annual cost of the road for the five years prior to 1913 was about one hundred and twenty thousand dollars. (*Rept. Bu. of Pub. Works*, 1912, p. 154.)

nual exodus of the government, to the great delight of the Filipino clerks, who detest being separated from the delights of life in Manila and subjected to the isolation and cool weather of the mountains. But the governor-general and commissioners soon fell under the spell of the place and, like their predecessors, found their way to the cool table-land in the mountains of Benguet.

CHAPTER XIV

Transportation and Communication

II

RAILWAYS—AUTOMOBILE LINES

The Railway Policy—Commission Governed by Conditions, Not Theories—The Cooper Law—Summary of Its Provisions—Manila Railway Company, Limited, and Its Claims—New Concession to Manila Railroad Company—Terms of Original Concessionary Contract—Supplementary Concession of 1909—Guarantee of Interest—Division into Northern and Southern Lines—Concession to Visayan Syndicate—Progress of Constructions—Government Loans to Manila Railroad Company—Purchase of the Manila Railroad Company—Street Railways—Automobile Lines—The Benguet Road Line.

The problem of railway construction occupied the attention of the members of the commission almost from the day of their arrival in the islands. They found that the Manila Railway Company, Limited, an English corporation which had received a concession from the Spanish government in 1887, had been, since 1892, operating about one hundred and twenty miles of "oriental gauge" railroad between Manila and Dagupan on Lingayen Bay. The line traversed a fertile, low-lying, densely populated country, but because of its excessive original cost and the expense of maintenance, due to the constantly recurring floods, its owners had not found it a profitable investment. The road had been seriously damaged by the Filipinos during the insurrection and one of the most promising assets of the company was a claim for a large sum against the United States based on the Spanish government guaranty and the use of the road by the military authorities.

Acting under instructions from Secretary Root, the commission formulated a policy for railway construction.[1] It was an-

[1] *Rept. Phil. Com.*, 1901 (*Rept. Phil. Com.*, 1900-1903, p. 184).

ticipated that American public opinion would require that the construction of railways in the Philippines should be left to private persons or corporations, and that the necessary safeguards would be provided to prevent them from absorbing the public lands or otherwise gaining undue profit by the exploitation of the country. The history of railroad building in the United States had given the policy of land grants, railroad aid bonds and subsidized projects generally, a bad name. The system of government aid had been discredited by the abuses which grew up under it, and the public easily forgot the beneficial part the railroads have played in the rapid building up of the country.

But conditions in the Philippines were not such as to induce capitalists to invest money there without some government encouragement. The islands were remote and Americans were not, like the British, accustomed to investments in distant colonies. The political future of the country was and would remain uncertain as long as one of the great political parties continued to advocate the early withdrawal of American control. Under the circumstances there was only one feasible plan to follow, and that was to adopt the system under which Spain had encouraged railway construction in the Philippines and under which Lord Dalhousie had constructed the original railroad system in India.[2] The commission therefore recommended that it be vested with authority to designate the lines to be constructed and to enter into arrangements with private persons or corporations for their construction, equipment and operation, and to guarantee the payment of interest on the investment.

The way was cleared for serious railway construction by the

[2] The three principal Indian lines, the East India Railway, Great Eastern Peninsula Railway and the Madras Railway, were originally constructed by private concerns with a government guarantee of five per cent. interest on the capital expended. As railway prospects improved the rate of interest guaranteed for other companies was reduced to four per cent. The Indian government subsequently entered the railway field and built additional lines. It now owns three-fourths of the entire system. Most of the guaranteed lines were purchased by the government and are leased to operating companies under an arrangement by which the government guarantees the interest on their working capital. In 1913 India had 32,398 miles of railway, over which were carried three hundred and thirty-eight million passengers and eighty thousand tons of freight. Freight is carried for an average of two-

Cooper Law of February 6, 1905,[3] by which Congress approved the general policy recommended by the commission.[4] Under this law the rights of the public were guarded with extreme care.

The Philippine government was authorized to enter into contracts with American railroad corporations organized to construct and operate railroads in the Philippines and to guarantee the interest, at not exceeding four per cent. per annum, upon their first lien construction bonds secured by mortgage upon the roads and other property of the corporations. Any such contract of guaranty was required to provide that the total amount of bonds, the interest of which was guaranteed, should not exceed the amount actually invested in cash in the construction and equipment of the road; that the bonds should be kept a first lien; and that the road should be constructed within the time limited. After operation was commenced the gross earnings of the railway should be applied (1) to the necessary operating expenses, including the reasonable expenses of the corporation; (2) to the necessary and ordinary repairs of the road and its equipment; (3) to such betterments and extraordinary repairs as may be first in writing authorized by the governor-general, and (4) to the payment of the guaranteed interest on the bonds.

To enable the company to sell bonds as the work of construction progressed the guarantee contract might be executed on the completion of the road in sections of not less than twenty continuous miles each and in such proportions, fixed from time to time by the government, as the actual capital invested in completed road and equipment should bear to the capital required for the completion and equipment of the entire road. The guarantee was limited to thirty years and in no event could the total annual con-

fifths of a penny per mile, and one penny carries a third-class passenger five miles. The Indian railways at present are all paying dividends. Fuller, *India*, p. 315.

[3] Chap. 453, 33 Stat. L. 689.

[4] Several minor concessions for railway extensions had been made under the authority conferred on the commission by the Organic Law of 1902 and the Spooner Law. Both these laws were restrictive and limited the power to grant franchises which the commission had possessed under the authorizations contained in President McKinley's Instructions.

tingent liability of the government exceed one million two hundred thousand dollars.

The sum paid as interest by the government under its guaranty was made a lien on the property of the company, second only to that of the trust deed securing the bonds; and at the termination of the guaranty period, the total sum of such interest advanced became payable to the government on demand and the lien enforceable. The government was required to make rules for ascertaining the cash capital actually invested in the railroads and the net income received on the capital so invested, and to provide for the proper supervision of the conduct of the finances of the road and of its location, construction, operation and maintenance. Two members of the board of directors of the undertaking company should be appointed by the government. Out of deference to the lack of confidence felt by foreign investors in the inferior judicial tribunals, the law conferred upon the Supreme Court of the Philippines original and exclusive jurisdiction in all actions or suits brought by the government against any person or corporation involving the construction of this particular statute or any contract made in pursuance of it.

Immediately after the passage of this law the secretary of war attempted to interest American capital in the question of railway construction in the Philippines. The island of Luzon, as the most densely populated and generally cultivated, presented the most attractive field. The Manila Railway Company, Limited, was already in possession of the most highly developed section of the island, but the terms of its Spanish franchise were not entirely clear. The validity of a claim for $1,515,000 gold against the United States for the use of the road by the military authorities, which the British ambassador had presented to the state department, was denied.[5] It was within the power of the govern-

[5] By the terms of the concession, the Spanish government guaranteed to the English company net earnings equal to eight per cent. of the capital, which was fixed in the concession at $4,964,473.65, but increased with the consent of the government to $5,556.700, Mexican. One-half of the gross earnings were to be taken as net earnings. The amount due under this guarantee was payable quarterly by the government, which reserved the right to charge

ment practically to destroy the railway company's property by refusing the privilege of making further extensions and granting a concession to a new company which would parallel the existing line. The old company was British owned and managed and was

two-thirds of the amount to the provinces through which the road passed. When one-half of the gross earnings exceeded eight per cent. of the fixed capital, the excess was to be divided between the government and the concessionaire. Upon the expiration of ninety-nine years from Jan. 21, 1887, the government was to become the owner of the property. Rates were subject to regulation under a general law which was by reference incorporated into the concession. The arrangement was, in legal effect, a partnership contract between the government of Spain and the concessionaire by which, in consideration of the guarantee by the government of eight per cent. on the fixed capital of $5,553,700, Mexican, the government was to share equally in all earnings over and above the eight per cent. guaranteed, and to become the owner of the road at the expiration of the life of the franchise.

The Spanish government made the guaranteed payments until the American forces took possession of the road in 1898. An unsuccessful attempt was made to have inserted in the Treaty of Paris a provision to the effect that the new government should succeed to the rights and obligations of the Spanish government under this and certain other concessions. In July, 1899, a claim was presented to the secretary of war for the payment of the guaranteed interest to that date, and was renewed from time to time until at the end of the year 1900 it amounted to $421,000, Mexican. The law officer of the Bureau of Insular Affairs and the attorney-general of the United States held that the contract of guarantee was a personal contract between the government of Spain and the concessionaire, the obligations of which did not pass to the new government by the change of sovereignty and cession of the territory. *Opinions of Attorney-General,* Vol. XXIII, p. 121. The attorney-general conceded, however, that an obligation existed in favor of the railway company commensurate with the benefits received by the islands from the construction of the road, two-thirds of which was properly chargeable against the provinces. No attempt was ever made to reduce this vague obligation to figures. The railway company thereafter changed the nature of its claim to one for damages, and use and occupation of the property by the military authorities from Feb. 10, 1899, to April, 20, 1900.

The opinion of the attorney-general eliminated not only the obligation to pay the guaranteed interest, but also the consideration therefor, the right of the government to one-half of the profits over and above eight per cent. and to acquire ownership of the road at the termination of the concession. As a result the Manila Railway Company found itself with simply a franchise to operate the road until 1906, subject to the regulative features of the concession.

In order to obtain money to rehabilitate the property it made a new mortgage for seven hundred and fifty thousand dollars, which, with the consent of the bondholders, was established as a lien prior to that of the original bonds. With the money thus obtained and the earnings, amounting in all to about twelve million dollars, the road was put in fairly good condition. With the revival of business the company, somewhat to the surprise of all, became suddenly prosperous, and had the personal contract of the concession been assumed by the government of the United States it would, for the ten years after 1901, have received an annual profit of more than one hundred thousand dollars and ultimately become the owner of the road. For the circumstances under which the road was acquired, see p. 310 *et seq., infra.*

not known to be in entire sympathy with the methods of the new régime. The terms of the Spanish concession were not such as an American government would grant, and it was in every way desirable that the slate should be cleaned and a new start made.[6] This the government was able to accomplish on terms satisfactory to all parties.

A new corporation known as the Manila Railroad Company was organized in the United States. The proposal of Speyer & Company, of New York, to construct the proposed lines in Luzon was accepted on condition that the concession should at once be transferred to the new corporation which would receive a perpetual franchise from the government of the Philippines on the terms and conditions prescribed in the grant. No land grant or government guarantee of interest was asked on these original concessions. In consideration of the grant the old corporation waived all claims against the United States, the government of the Philippines and the provinces and municipalities, as well as those growing out of the use of its line by the military authorities of the United States.

The concessionary contract between the government of the Philippines and the Manila Railroad Company was thereupon embodied in an Act of the Philippine Commission[7] and subsequently duly executed by the parties. It was exceedingly favorable to the government and also advantageous to the grantee. All pending controversies were settled and the government secured the construction of new lines under proper supervision and control without assuming any financial obligations. The concession included the existing line of the Manila Railway Company, Limited, and the construction of approximately four hundred and

[6] "The change was really from the Spanish to the American system, that is, from a business enterprise of the government for profit, to a project, the sole motive of which is to furnish a great civilizing and prosperity-giving instrumentality to the people and to increase and expand its benefits to the public by offering a reasonable compensation to the private capital employed, proportioned to the risk, and without hope or expectation of substantial profit to the treasury." Secretary of War Taft to Secretary of State Root, June 22, 1906. MSS. letter.

[7] Act No. 1510, July 7, 1906.

twenty-eight miles of new road,[8] of which one hundred and fifty miles were to be ready for operation within two years. Construction was to proceed at the rate of not less than seventy-five miles each year thereafter until all were completed. The gauge was to be three feet, six inches, subject to change with the approval of the governor-general. A right of way one hundred feet in width was granted across the public domain, together with the use of such additional land therefrom for terminals, yards, shops and other necessary buildings, as the governor-general should approve. The grantee might also, with the written approval of the governor-general, take from the public lands gravel, earth, stone, timber and other materials for use in the construction of the railway.[9] The right to cross and use streets and public squares, and to acquire title to lands owned by provinces and municipalities was carefully guarded against abuse. All material required for the construction and equipment of the road was to be admitted to the islands free of duty.

The detailed provisions of this and the other railroad concession contracts are important because they show the policy of the government and the great care taken to guard against exploitation and the over-issue of construction bonds. The plans, surveys and specifications were required to be submitted to and approved by the governor-general, who was authorized thereafter to fix the exact routes. Freight and passenger rates were to be subject to regulation,[10] and the government was entitled to certain preferences for military purposes. Preference was to be given to laborers found along the lines. The grantee was entitled to maintain a telegraph and telephone system for its own use and the use of the public, subject to the approval of the

[8] *Rept. Phil. Com.*, 1906, Pt. II, p. 206.

[9] This applied only to the public lands available for homestead settlement and sale under the Public Lands Act, and timber lands of the Philippine government. It did not include the friar lands, which were not part of the public lands.

[10] A Board of Railroad Rate Regulation consisting of the governor-general, the secretary of commerce and police and one appointed member was created by Act No. 1779, Oct. 12, 1907. In 1913 it was succeeded by the Board of Public Utility Commissioners.

secretary of war, on condition that space be reserved on the poles for the government to place wires for its own use.

In lieu of all other taxes, the grantee should, during the first thirty years, pay into the public treasury one-half of one per cent. of its gross earnings, for the succeeding twenty years one and one-half per cent., and after eighty years from the time of the original grant, such rate as the government should determine. No stocks or bonds should be issued except for cash or property at a fair valuation, and no stock or bond dividends should be declared. All the provisions of the Acts of Congress of July 1, 1902, and of February 6, 1905, were, by reference, incorporated into the contract, and the franchise, while perpetual in form, was at all times *subject to amendment, alteration, and repeal, by Congress.*[11]

This contract was executed on August 28, 1906, and work thereunder was immediately commenced. Three years later the Manila Railroad Company was granted a supplementary concessionary contract for additional lines which were to be constructed under a government guarantee of interest.[12] The new construction thus provided for was designed to connect the existing line which ended north of the Pasig River in Manila with the new port works south of the river, secure connection with the new capital city of Baguio in the Benguet Mountains to the north, and south one hundred and thirty-five miles through Ambos Camarines, with the section already provided for in the province of Albay.

Most of the provisions of the original concessionary contract were made applicable to the new grant. Much of the new construction would be expensive and less likely to prove immediately profitable than the original lines. The road through Ambos Camarines would pass through very rough country. The extension to the port of Manila would require the construction of an expensive bridge over the Pasig River, and the line to Baguio

[11] In a message of Jan. 10, 1816, Governor-General Harrison refers to this as "a gift to a private company of a perpetual franchise."

[12] Act No. 1905, May 19, 1909.

would have to reach an elevation of about five thousand feet and would not be remunerative for some years. In order to secure these extensions, it was deemed good policy to guarantee the interest on the construction bonds as authorized by the Cooper Law.

This supplementary concessionary contract divided the Manila Railroad Company's property into two separate and distinct systems, capable of separate maintenance and operation, one to be known as the Northern Lines and the other as the Southern Lines. Each was to have its separate and distinct books and accounts, embracing construction, maintenance, operation, earnings and expenses, so that although owned by the same company the two systems should be as distinct as though owned and operated by separate and independent companies.

The lines covered by the original concession, with some exceptions, were to be known as the Northern Lines and those of the supplementary concession as the Southern Lines.[13] The main terminal at Tondo and the shops at Caloocan, near Manila, were to be maintained and operated jointly by the two systems and the expenses distributed equitably between them.

The company was authorized to issue bonds for the amount of the actual cost of construction and equipment of the railways of the Southern Lines and also for the amounts which had already been actually expended for the construction and equipment of that part of the original lines which were to be included in the Southern Lines, excluding the contractor's profits. These bonds, which were authorized to be issued to ninety-five per cent. of the total cost, constituted a first lien on all the property of the Southern Lines. They were to mature in thirty years, and the Philippine government guaranteed the payment of interest thereon at four per cent. per annum. As the Act of Congress limited the amount of annual contingent liability which the government could assume to one million two hundred thousand dollars, and a similar guarantee of the Philippine Railway Company bonds had been made, the contract with the Manila Railroad

[13] The line to Baguio, far north, was thus in the Southern Lines' system.

Company provided that, unless this authority were extended, the amount of the annual contingent liability should at no time exceed the amount available under the Act of Congress. That is, the guarantee was to the amount of the difference between one million two hundred thousand dollars and the amount which had been guaranteed to the Philippine Railway Company. The company covenanted to pay the interest on the bonds to the extent of the earnings of the Southern Lines after paying operating expenses, necessary repairs, and betterments, approved by the governor-general. The United States government assumed no liability and the government of the Philippines guaranteed only the interest on the bonds.

The concession for the lines in the south central islands was granted to the White Syndicate,[14] and by it assigned to a corporation called the Philippine Railway Company. The contract, signed July 10, 1906, required the construction of two hundred and ninety-five miles of road on the islands of Panay, Cebu and Negros. The conditions were substantially the same as those imposed on the Manila Railroad Company.[15]

Construction work was commenced promptly by both the Manila Railroad Company and the Philippine Railway Company, and proceeded under government supervision as rapidly as conditions and money justified.[16] The Manila Railroad Company pushed forward the lines provided for under the first concession and was progressing with its guaranteed lines as rapidly as re-

[14] This syndicate was composed of William Salomon & Co., Cornelius Vanderbilt, J. G. White & Co. of New York, and Charles M. Swift of Detroit, with whom were associated the International Banking Corporation, H. R. Wilson and Heidelbach & Co. of New York. Mr. Swift was the moving spirit and the president of the Philippine Railway Company.

[15] Act No. 1497. For a summary, see *Rept. Phil. Com.*, 1906, Pt. II, p. 198.

[16] Act No. 1507 provided for the appointment of a supervising railway expert, and Mr. F. A. Molitor was appointed to the position. This officer was attached to the office of Secretary of Commerce and Police, which had general supervision over corporations other than those engaged in banking. He was in 1907 succeeded by Mr. L. F. Goodale, who was in office during the period of active construction. However, the terms of the concessionary contract placed the responsibility for seeing that the roads were properly and economically constructed upon the governor-general personally. In 1914 the office of Supervising Railway Expert was abolished (Act No. 2320) and its duties imposed upon the Public Utilities Commissioners.

quired by the contract. Naturally it exercised its privilege of determining the order of the extensions, and intended to leave the line to Baguio, which was not expected to be immediately profitable, for the last.

Circumstances, economic and political, made it seem desirable, from the standpoint of the government, that railway communication be opened to Baguio, the mountain capital, at the earliest possible date. With its available capital, the railway company was able to work on but one twenty-mile section at a time. In December, 1911, the legislature authorized the loaning of a certain per cent. of the Gold Standard Fund[17] to provinces and municipalities, and specifically to the Manila Railroad Company, to aid in the construction of certain of its authorized extensions. By this means the government expected to secure the construction of the line to Baguio by loaning the company the money to enable it to push the work on more than one section at the same time.[18]

The hastening of construction by the Manila Railroad Company under the government spur threatens to prove disastrous to the government. The comparatively small loan from the Gold Standard Fund, made by the Forbes administration, was a mistake, but it was expected to be temporary. For some unaccountable reason the Harrison administration increased the loan until in January, 1916, it amounted to over three million dollars, for which the government had no real security. By that time the Manila Railroad Company seems to have become practically in-

[17] Act No. 2083, Dec. 21, 1911.

[18] This ill-advised and unfortunate act of the Philippine Legislature authorized the loaning of a certain percentage of the Gold Standard Fund to the Manila Railroad Company to enable it to continue the work on certain designated extensions. The loan was intended to be temporary, and to be repaid from the proceeds of the bonds issued on the particular twenty-mile section. The commission, as the exclusive legislative body for the non-Christian provinces, re-enacted that law in substance as Act No. 2088, but without designating the extensions by name. The legislature could not have been induced to authorize a loan to be used to build a road to Baguio, as the Filipino members of the lower house were almost without exception opposed to the entire Baguio proposition. However, by loaning the company money to work on the designated extensions, it was able to use its own funds to build the Baguio line. The way in which the matter was handled illustrates the maneuvering which was rendered necessary by the Filipino control over legislation.

solvent, and Governor-General Harrison induced the legislature to authorize the purchase by the government of all the stock of the corporation. A measure more unjust to the Filipino people and disastrous to the treasury could not have been conceived by their worst enemies. Of all the schemes and projects devised for the Philippines, this proposed purchase of the Manila Railroad Company and the assumption of ten million dollars of its bonded indebtedness, is probably the only one which suggests bad faith on the part of the men who urged it upon the Philippine Legislature. And it was done by the administration which was posing as the special friend of the Filipinos while urging upon Congress the passage of the bill granting independence to the islands within the short period of four years.

At that time the total bonded debt of the insular government, exclusive of the seven million dollars of friar-land bonds, the payment of which is supposed to be secured by a sinking fund created by the sale of the lands, amounted to but five million dollars.[19] Extreme care had been exercised by Congress to prevent the loading of the islands with a large bonded debt. The Philippine government had guaranteed only the interest on the bonds issued, under its careful supervision, by the Manila Railroad Company. It had not guaranteed the principal of the bonds, and it had been called upon to pay only $41,450 on its interest guarantee.[20] The railroad company had outstanding bonds amounting to $22,671,000, consisting of $4,330,000 six per cent. gold mortgage bonds, and $7,766,000 seven per cent. second mortgage gold bonds, maturing in 1956, and $10,575,000 four per cent. first mortgage gold bonds (Southern Lines), maturing in 1939. The government had guaranteed the interest on these Southern Lines bonds only. That was the extent of its obligation.

[19] On December 31, 1914, there was $1,927,980.50 in the sinking fund for the payment of these friar lands purchase bonds, and $855,832.58 in the public works and improvement bonds sinking fund.

[20] In the *Special Report of General McIntyre,* chief of the Bureau of Insular Affairs, of Dec. 1, 1915, it is stated that to Dec. 31, 1914, on its contingent liability for the interest on railway bonds, the government had advanced "a total of $1,317,448.50, practically all of which was on account of the Philippine Railway Company. *The Manila Railroad Company has generally earned the interest on its interest-guaranteed bonds.*"

The entire capital stock of the Manila Railroad Company, amounting to $5,783,500, was owned by an English corporation known as the Manila Railway Company, Limited, and had been pledged with the Merchants' Trust, Limited, of London. This stock, under the conditions stated by Mr. Harrison, evidently had no market value, and it is safe to say that it was worthless. In his message to the legislature, of January 10, 1916, Governor-General Harrison gave several disingenuous reasons why it was in his opinion desirable for the government to purchase this stock and pay therefor the sum of four million dollars gold. The only one entitled to any serious consideration was that the situation required "the Philippine government, for the protection of its investments in the Manila Railroad Company, to assume the ownership of the road." He therefore recommended that the legislature authorize the payment of the sum of four million dollars gold (to be taken from the Gold Standard and other special funds) to the English company for the worthless stock, that the payment of the $10,575,000 issue of bonds on the Southern Lines be assumed by the government, and that the road, after being thus acquired, should be operated by government employees.[21]

The three million dollars owed by the railroad company to the government was not even to be deducted from the amount to be paid for the stock. On the contrary, the law provides that the "time for payment of the loan made by the government to the railroad company from the Gold Standard Fund of the Philippine

[21] The assumption of the bonds was concealed from the public by providing that the government-owned corporation should be continued and that *it* should establish a sinking fund "from funds available for such purposes, if any," with which to retire the bonds. But included in the law and contract was the provision that "the government by a continuing annual appropriation or in any other lawful manner as may hereafter be agreed upon, will loan to the railroad company [i. e., to itself] an amount sufficient to maintain the sinking fund at the required figure." Paragraph 4 of Act No. 2574, passed Feb. 4, 1916.

Immediately after the enactment of the Philippine Government Law of Aug. 29, 1916, the government issued $4,000,000 of bond to secure money to pay for this railway stock. Governor-General Harrison's message and the contract of purchase are printed in the *Report Phil. Com.*, 1915, p. 49.

Islands shall be extended for as long a time as the governor-general may lawfully extend the same."

The law authorizing the purchase of the entire stock of the corporation was rushed through the legislature as an administration measure without consideration by any but a few of the leaders.[22]

Mr. Horace L. Higgins, an experienced engineer and railroad manager, financially backed by the Speyer banking house of New York and London, had been unable to make the Manila Railroad Company pay expenses and interest, and the Harrison administration proposed to transfer their burden to the shoulders of the Philippine government with the hope that under the management of Filipino politicians the property would become profitable. It was a pretty present, indeed, to hand to the Filipinos along with immediate independence. The execution of the contract meant

[22] The proposed purchase was condemned by the American and a portion of the native press, including *La Democracia*. *The Far Eastern Review* for Feb., 1916, quotes the following from an editorial in *The Bulletin*, one of the leading papers of Manila:

"Some day the islands are going to need all their credit in order to borrow money on their bonds to acquire these things, only to find that credit has been exhausted to purchase a railroad, which the country needs about as much as a cat needs two tails. The country will have the railroad, but will be unable to trade it for real needs. The only advantage that will accrue to the people will be the privilege of raising several additional millions of pesos in taxes to pay the interest on the indebtedness incurred by the purchase.

"The most essential factor in the future as well as present prosperity of the islands is the coming of capital for the development of its natural resources, industries, and public utilities. The largest investment of capital in the islands up to the present is that invested by the Manila railway. Is the government to announce now to the financial world that the government is to be the means of sending this capital out of the country? Will such action encourage other capital to enter the country?

"We do not know what political benefit is to be derived by the purchase of this railroad. One thing is certain; there will be no economic benefit derived from it. The only expert opinion available of the value of the road is that of the government itself. In a decision by the public utilities board, seven months ago, that body said: That the company's income is not sufficient to provide adequately for the protection of its property devoted to public use, to pay its fixed charges, and to pay a reasonable return upon its investment, is shown by the following comparative statement of its income account for all lines for the years 1910 to 1914, inclusive. Is the credit of the country to be mortgaged for generations, in order that the government may acquire a property of this kind? Will government ownership and management get better result than experienced and competent railroad officials have accomplished? If they are then the people should have some knowledge of why and how it is to be done."

handing over four million dollars gold to the owners of the stock and an increase in the market value of the bonds of probably five million dollars—all, in effect, a present to the London stock and bond holders at the expense of the Filipinos.

It is difficult to understand why the Manila Railroad Company has not, since 1912, been able to earn sufficient to pay its fixed charges. It is located on the cultivated island of Luzon and reaches the capital city and chief port of the country. It was in the hands of experienced railroad men, and prior to that time was operated successfully and economically. The extensions were made into well-developed country. The alleged inability to sell bonds for future construction does not explain the failure of the road to continue earning money by the operation of the existing lines. The difficulties in which the road became involved were undoubtedly due to the unfortunate attempt of the government to force the hasty construction of disconnected and unprofitable extensions.

It is a lamentable fact that the Filipinos have not shown much energy in availing themselves of the opportunities offered by the construction of railways and some other public improvements. They delight to travel on the trains and, contrary to the rule in the United States, more than half of the income of the roads comes from passenger traffic. That fact alone discloses unsatisfactory conditions. The railroads will never pay until the people have energy enough to provide them with freight and the ability to do that can only be developed after the lapse of considerable time. The immediate benefits anticipated by men like Governor Taft and Governor Wright have not been realized. Nevertheless, their theories were sound, although more time will be required for securing results than was anticipated. Land values have materially increased and the new country which has been opened up is being slowly occupied and brought under cultivation, but it will take many years to produce the freight which is essential for the profitable operation of the railways.

The Philippine Railway Company constructed its lines in Panay and Cebu, but the prospects for remunerative business

were not such as to justify it in building on the island of Negros, and the government was very willing to extend the time for the construction of that line indefinitely.[23]

The Philippine Railway Company is a purely American concern, and its managers have worked according to American methods. Its lines cost much more to construct than was expected, and there has been some criticism of the government for failure to exercise its supervisory powers with sufficient vigor. So far, the interest on its construction bonds has been paid by the government, and the prospects for any relief within the thirty-year period are not good. It is probable that neither the Cebu nor the Panay lines can be made to pay under present conditions. The former has not sufficient territory tributary to it, and probably will never pay. The Panay line, extending from the city of Iloilo to Capiz, may become profitable after the country has been developed. A system of short highways extending at right angles to the railroad and into the rich valleys should double the marketable products. Unless energetic measures are taken to create freight and traffic, it is very probable that the bonds of the company will ultimately have to be protected by the government.

The Spanish government granted a franchise for a tramway line in the city of Manila and a dilapidated system was in operation at the time of the American occupation. A new franchise, which included lighting for the city, was granted to Mr. Charles M. Swift, who organized the Manila Electric Railroad and Light Company, which purchased the property of the old concern and installed a street railway system which is modern in all respects.[24] A subsidiary company, the Manila Suburban Railways Company, which also carried some freight, has extended the system to Fort McKinley and Pasig.

The construction of good roads in various parts of the islands has made possible the extensive use of automobiles for passen-

[23] Resolution of March 13, 1912.

[24] In 1912 this company owned 114 cars and carried 15,878,821 passengers. See *Rept. Phil. Com.*, 1913.

ger and freight traffic. In certain provinces passenger cars and freight trucks make regular trips between the towns and villages and serve many communities which have not yet been reached by the railways. The system is susceptible of almost indefinite expansion.

An automobile line from the terminus of the Manila Railroad line at Camp One to Baguio, over the Benguet road, which has been operated by the government since 1909, has carried thousands of travelers and vast quantities of freight to and from the summer capital. This traffic was originally handled by mule teams and ox carts, but these were gradually replaced by various types of automobiles. The service was improved from time to time until, in 1912, by means of specially constructed De Dion Bouton passenger cars and freight trucks, the line, operated in all respects like a railroad, with a regular block system of gates and gate-keepers, and a telephone line, carried over 19,000 passengers and 5,161 tons of freight without accident or injury to any one, at an expense of $109,500, and with total receipts of $110,500. It will, of course, be discontinued when the railway reaches Baguio.

CHAPTER XV

Transportation and Communication

III

THE POSTAL AND TELEGRAPH SERVICE

Its Importance—Early Methods—Gradual Expansion—An Independent Service—The Metric System—Money Orders—The Parcel-Post—Attempts to Improve the Foreign Service—Acquisition of Telegraph Lines from Army—Training of Telegraphers—The Cables—Wireless Stations Acquired—Plan for Joint Wireless Service—Franchise Granted the Marconi Company—Summary of Results—Postal Savings Bank.

When John Stanhope was Master of the Posts for Queen Elizabeth, his duties were confined to forwarding government despatches. His official descendant not only forwards the correspondence of his government, but carries the farmers' eggs and chickens to market and returns the required groceries and dry-goods to the farm-house gate.

The social, as well as commercial, importance of the modern post-office can not well be overestimated. Few, if any governmental activities exercise so wide and penetrating an influence upon national life and character. The field of operation of the postal service has been constantly expanding until it now carries great quantities of goods, wares and merchandise, in competition with the railway and express companies.

Nevertheless, the primary purpose of a department of posts is the transmission of intelligence in the physical form of the written word or in its sound equivalents.

In a country like the Philippines, where the people are isolated on their several islands, separated by narrow dangerous seas or inaccessible mountain ranges, an efficient postal service is very desirable. It means the breaking down of intangible as well as

physical barriers to intercourse, and a resultant birth of intellectual curiosity and interest in public affairs. The service which the American government has given the Filipinos has already had an appreciable influence upon their lives and characters.

For some time after the occupation of Manila the handling of the soldiers' mail occupied most of the time of the clerks who had been sent with the troops by the Post-Office Department. An enterprising representative of the mail service managed to enter Manila ahead of schedule, and when the troops arrived they found him in charge of the old Spanish post-office on the Escolta and ready for business. Thereafter, as rapidly as towns were occupied by the army, post-offices were opened. Soldiers were detailed for the clerical work, and many of them took their discharges and entered the postal service as civilian employees. The old Spanish regulations, which required all steamers authorized to engage in interisland traffic to carry the mails without charge, were continued in force, and postal communication was thus gradually resumed, along with the restoration of commerce. No attempt was made to open post-offices in territory not occupied by the American troops. The Municipal Code authorized newly-organized municipalities to reestablish the former Spanish service and maintain postal communication with one another until such time as the central government should assume control. The extension of the service throughout the islands was thus gradually secured.

On May 1, 1900, the postal service was turned over to the government of the Philippines, which has ever since received the revenues and borne all the expenses connected therewith. As a matter of convenience, however, the United States postal laws have been treated as in force in the islands, except when superseded by local legislation. The Philippine government became a member of the International Postal Union, and the Bureau of Posts is, in all respects, conducted as an independent service.

The antiquated system of weights and measures, to which the United States government still adheres, made it difficult to extend the use of the metric system to the Philippine postal service until

long after it was in use in all other bureaus of that government.

On July 1, 1901, the money-order service was also made independent of the United States government. The Spanish government had no such service and it was necessary to educate the Filipinos in its use. They are not yet absolutely confident that it is safer to transmit money by a post-office money order than to send the currency or money by mail. In 1903 the postmaster-general arranged that the parcels-post conventions between the United States and other countries should include the Philippines, but the arrangement was cumbersome and very little such business was done.

Upon assuming charge of the Department of Commerce and Police, in February, 1910, I found a mass of correspondence with the postmaster-general of the United States and with the postal authorities of Japan, with reference to money-order and parcels-post arrangements between the Philippines and the Empire of Japan. Although the correspondence had extended over ten years, nothing of importance had been accomplished. The money-order service between the United States and the Philippines was satisfactory, but there was no direct service to any other country. The Manila merchant who desired to send a few dollars to Hong Kong, Singapore, Batavia or Japan, had to buy an order on San Francisco and send it there, where it would be reissued and a new one mailed to the country where the remittance was to go. Soon after the American occupation the Japanese postal department expressed a desire for direct money-order communication with the Philippines. Its offer was at first declined because of the unsettled condition of affairs. Subsequently renewed on the initiative of Japan, it resulted in the preparation of a convention which was satisfactory to both governments. Governor-General Smith then became fearful that he was assuming the powers of a ruler of an independent government and declined to sign, on the ground that the agreement was in effect a treaty which the government of the Philippines had no power to enter into. The War Department approved

his action and the entire matter was referred back to the postmaster-general, who opened negotiations through the Japanese ambassador at Washington. The matter dragged along until Mr. Forbes became governor-general. He was a man who was not afraid to assume authority when the result would be to accomplish something manifestly desirable for the islands. It was easy to satisfy him that the Philippine government had authority to enter into business contracts with the postal authorities of other countries, and a reconsideration of the matter was secured, with the result that Secretary of War Dickinson reversed the former rulings of the department and authorized the Philippine government to make its own postal arrangements. Negotiations were thereupon opened with Japan, China, Hong Kong, the Straits Settlements, Australia, Netherlands, India and British India. A convention was promptly signed with the colony of Hong Kong, and matters were progressing as rapidly with the other countries as tropical lethargy would permit, when in the spring of 1912 the department passed from under my control. Thereafter a new policy seems to have been adopted.

During 1912 a parcels-post service was inaugurated within the islands by executive action, before it was introduced into the United States. For reasons of an extremely technical character, the postmaster-general of the United States refused to sign an agreement providing for parcels-post service between the United States and the Philippines after the same had been prepared in his office, and it was not established until 1913, when it was specifically provided for by Congress.[1]

The Philippine government operates an interisland telegraph and cable system in connection with the postal service. Originally it controlled also the telephone lines, but these were either converted into telegraph lines or transferred to the various provincial governments. Prior to July, 1900, the signal corps of the

[1] On March 29, 1912, nearly two years after the writer, under Secretary Dickinson's ruling, was engaged in negotiating money-order and parcels-post conventions with Japan and other countries, the attorney-general of the United States rendered an opinion fully sustaining the power of the Philippine government. See *Opinions Attorney-General,* XXIX, p. 380.



Hon. J. M. Dickinson



army had constructed and operated 2,931 miles of joint telegraph and telephone lines, and 210 miles of cable. Some further extensions of the telegraph service were made, but as order was restored in the country the necessity for its control by the army ceased, and the superfluous lines were transferred to the civil government under an arrangement by which the military authorities received free service for official business. This was continued until the reorganization of the bureaus in 1905, after which full payment for services rendered was made by the army as well as the insular government bureaus and officials. Ultimately all the telegraph lines were transferred, and since 1909 the service has been controlled and supported entirely by the government of the Philippines.[2]

The Bureau of Posts probably contains a greater percentage of Filipino employees than any other large bureau. Filipinos make good telegraph and postal employees. Nearly all the post-offices, which include the telegraph service, are under the direct control of Filipinos who have been trained and prepared for the work in a school maintained and conducted by the Bureau of Posts at Manila.[3]

Most of the military telegraph lines and cables had been hastily constructed with such material as was available. The cables, particularly, were not always well located. During the years 1910-1911 many of them were taken up and laid on more economical and commercially advantageous routes. The currents and the peculiar formation of the bottom of the ocean in that part of the world make cable maintenance very expensive.[4] The lines were often out of order and an expensive cable ship had to

[2] They were first administered by the telegraph division of the Bureau of Constabulary, which was created by Act No. 461, Sept. 15, 1902, for the purpose.

The reorganization law of Oct. 26, 1905 (Act No. 1407), which became effective Jan. 1, 1906, provided for the transfer of the telegraph business to the Bureau of Posts of the Department of Commerce and Police. It took over 2,574 miles of land telegraph wires, 199 miles of cable, 2,160 miles of telegraph line, 96 telegraph offices, 450 telephone stations, and 307 district inspectors.

[3] January 1, 1916, there were 103 American and 2,231 Filipino employees in the postal service.

[4] It cost, on an average, one thousand dollars per mile to lay new cable.

be maintained for the work of repair and reconstruction.[5] The government was subject to constant criticism by the commercial communities[6] for its failure to maintain the cable service in good condition. It seemed that a solution of the vexatious problem of interisland telegraph communication could be found in the installation of wireless telegraphy, which had then reached the stage of reasonable efficiency. It was comparatively cheap and was capable of indefinite expansion. It was an opportunity to do for the islands of the Archipelago what the author of the Penny Post hoped to do for the British Empire—"make intercourse between their severed coasts as easy as speech, as free as air."

> "You would call a friend from half across the world?
> If you'll let us have his name and town and state,
> You shall see and hear your crackling questions hurled
> Across the Arch of Heaven while you wait."

A system of wireless stations would provide not only communication between the islands, but also with the cities of the China coast and Japan.

The subject had for several years engaged the attention of the civil and military authorities and various sites had been reserved for wireless stations. The army stations at Malabang and Zamboanga in Mindanao, and Jolo on the island of Jolo, had been transferred to the insular government along with the telegraph lines and cables. In the light of experience in the United States it was believed to be wise to reserve the entire wireless field for the government, and until the policy was definitely determined, deny to private persons the privilege of installing wireless plants.

In the spring of 1911 President Taft, at the request of the governor-general, appointed a board to study and make recommendations relative to the construction, operation, maintenance

[5] The Spanish ship *Rita,* which was captured by the *Yale* near Habana, was made into a cable ship, and, under the name of the *Burnside,* laid the cables in the southern islands. For an interesting account of the work, see *A Woman's Journey Through the Philippines,* by F. K. Russell (1907). In 1910 the Philippine government acquired the cable ship *Rizal* and took over the work.

[6] See *Cable News-American,* July 23 and 24, 1910; *Manila Times,* July 20, 1910.

and management of a system of wireless telegraphy for the joint use of the civil government, the army and the navy. This board consisted of Commissioner Charles B. Elliott, Secretary of Commerce and Police of the Philippine Islands; Lieutenant-Colonel George P. Scriven, Signal Corps, U. S. Army, and Commander Chester M. Knepper, U. S. Navy. The object was to secure a single and economical system for the three services without duplication. An exhaustive study of the subject was made and in February, 1912, the board made a preliminary report to the secretary of war[7] in which it was recommended that a system of fourteen stations be established in conjunction with the existing land lines and cables for the administrative purposes of the government of the Philippines and the army and navy; the transmission of information as to weather conditions for the benefit of the government, the merchant marine and exposed communities; the requirements of the business interests in time of peace and the strategic and technical interests of the army and navy in time of war. The stations recommended for immediate construction were divided into two groups, the first consisting of six high power stations, and the second of eight stations of intermediate power capable of maintaining communication with the nearest high power station. A third group of twenty-eight low power stations was recommended for construction in the future as money for the purpose became available.

It was estimated that the fourteen stations could be constructed for three hundred thousand dollars, and it was recommended that the United States government, for the use by the army and navy, should pay one hundred and sixty-five thousand dollars and the government of the Philippines one hundred and thirty-five thousand dollars.[8] It was provided that in time of peace the stations should be operated by the government of the Philippines through the Bureau of Posts, and that all of its departments, and the army and navy, should pay a reasonable charge for services rendered. In time of war or threatened disturbance of the peace

[7] *Preliminary Report of the Joint Wireless Board* (Manila, 1912).

[8] The Reviewing Board at Washington recommended that the expense be divided equally between the two governments.

of the islands, the entire plant should be turned over to the military authorities. A board appointed by President Taft to review the report of the joint board approved the same with a few minor changes and recommended that Congress be asked to appropriate one-half of the amount necessary for construction and that the sum, with an equal amount to be provided by the insular government, "should be placed to the credit of the executive head of a Board of Control which shall be convened in the Philippines, to consist of the Secretary of Commerce and Police of the Insular government or his representative; the admiral commanding the station or his representative; and the general commanding the division or his representative; and that the executive head of the Board shall be the Secretary of Commerce and Police of the Philippine Islands." The money was to be expended by the executive head of this board under the direction of the board and with the approval of the president of the United States.

President Taft, on February 8, 1912, sent these reports to Congress with his approval and recommendation of the necessary appropriation. The government of the Philippines set aside its share of the money but owing to a change of party control in the House of Representatives, no action was taken by Congress. The committee on insular affairs refused to recommend an appropriation of money for expenditure in the islands apparently because the Democratic party intended to withdraw the American control and grant independence to the islands. The effect was to render useless for the time being all the work that had been done on a plan which met with the approval of all persons competent to speak on the subject and which would have been of the greatest value to the islands and the government of the United States. The entire cost of construction of the wireless plants would not have equaled the cost of repairs and maintenance of the cables during a very few years; and the service rendered would have been infinitely superior.

These special efforts made to improve the postal telegraph, and other facilities for communication between the islands and with foreign countries was a part of the general policy of material

and commercial development of the Taft régime, and although but partially successful, they must be given due weight in determining the nature of the work of the American government.

The Harrison administration abandoned the policy of government control of wireless stations and granted a franchise to the Marconi Wireless Telegraph Company, subject to the approval of the secretary of war, with the absurd condition that the company should admit in writing information of a certain message of President Wilson and the "reply message of the Philippine Assembly of October 16, 1913," and agree "not to do anything by means of contributions in cash or otherwise, against the policy of the government of the United States and the aspirations of the Filipino people set forth in said messages whether under the pretext of vested interests or any other pretext." If the company avails itself of this arrangement it will, of course, be necessary for the army and navy to construct and maintain independent systems and the government of the Philippines and the commercial interests will be deprived of the advantages which would accrue from a single joint system. Even increased and improved means of communication were thus subordinated to the exigencies of party policy.

Statistics showing the number of letters and packages handled by a postal department convey no clear idea of the extent and importance of the service. It is sufficient to say that the Philippine service is very efficient, has been economically administered, is constantly growing and has been already extended until it reaches almost every *barrio* in the islands.

The Bureau of Posts has also handled the Postal Savings-Bank, which has proved of very great value to the Philippine people. On January 1, 1916, the deposits amounted to $1,601,-794.66, and about eighty-six per cent. of the depositors were Filipinos.

CHAPTER XVI

Transportation and Communication

IV

WATER TRANSPORTATION—NAVIGATION

Importance of Water Transportation—The Coast Survey—Lights and Lighthouses—The Weather Bureau—The Absence of Harbors—Harbor Construction—Iloilo—Cebu—New Manila Harbor—Foreign Steamship Service—Effect of War and Congressional Legislation—Interisland Transportation—Old Spanish Methods—Necessity for Government Ships—The New Bureau—The Coast Guard Steamers—Plan to Create New Merchant Marine—The Contract System—Subsidies—The Results—The Bureau of Navigation and Its Troubles—Abolished in 1914—The Cable Ship—River Improvements.

For the Philippines, water transportation will always be of even greater importance than land transportation. The Archipelago is separated from the American continents by the broad Pacific and from the coasts of Asia by the turbulent waters of the China Sea. It is a maritime country in the strictest sense of the word. The straits and channels which separate its islands and the rivers which penetrate its lands, are the arteries and veins through which flow the lifeblood of its commerce. Their obstruction means commercial stagnation, isolation and death. Under such conditions, the provisions for a merchant marine and for the safety of navigation are of primary importance.

An inspection of the map suggests that the Philippine Archipelago is situated at the crossing of the natural ocean highways and that Manila is one of the most accessible of the Far East ports. In fact, however, the political and commercial development of the world was such as to throw the Philippines far to one side of the lines of trade. For many years prior to the American occupation ordinary communication with the outside world was by

means of two cable lines and a monthly steamer from Spain and occasional small ships from Hong Kong. The Spanish mail boats were slow, unsanitary and impossible from the standpoint of the traveler. Those which traversed the monsoon-cursed sea between Hong Kong and Manila were generally of draft shallow enough to allow them to enter the Pasig River. The monsoons blow for six months from the southwest and the rest of the year from the northwest. From one direction or the other, they are always coming, and the ship's route either way lies aslant the tossing seas. The narratives of travelers of that period are filled with accounts of doleful experiences. One unhappy visitor to the islands wrote that his ship developed such a corkscrew motion on the way to Manila that he feared it would take a return trip against the other monsoon, to untwist the feelings of her passengers. The inaccurate charts and insufficient lights on the coasts rendered navigation very unsafe. The western coast and channels had been charted by the Spaniards and English, but, generally speaking, the Philippine waters were unsafe for shipping.

Marine surveys are of general as well as local importance, and it was only reasonable that the United States government should bear a portion of the expense of a complete coast and geodetic survey. An arrangement was therefore made under which the coast waters were to be resurveyed and recharted. The work was placed under the general control of the superintendent of the Coast and Geodetic Survey at Washington, who detailed an officer to act as director of a bureau of the Philippine government. Under this arrangement, which has proved very satisfactory, the United States government has paid about fifty-five per cent. and the Philippine government forty-five per cent. of the cost of the work. At the present time approximately ninety per cent. of the survey has been completed and if it proceeds without interruption the coast will soon be completely resurveyed and charted. In addition to the new charts, which have no superior, the bureau has issued several volumes of sailing instructions which are kept up-to-date, and has furnished much other information of the greatest value to the maritime world.

Ships avoid an unlighted coast as men avoid a pestilence. When the insurrection broke out in 1896 the Spaniards had in operation twenty-eight lights, one-half of which were flashing and the other fixed minor lights. The American government took over their uncompleted structures and carried the work forward with so much energy and skill that now few coasts are better protected by lights than those of the Philippines.

In the year 1902 there were fifty-seven lighthouses in operation and these had, by the end of the year 1912, been increased to one hundred and forty-five. This, of course, does not include the innumerable small lights and thousands of buoys and other devices for the safety of navigation.

For many years the Jesuit Fathers maintained a weather service at Manila which was noted for its efficiency. Its forecasts of weather conditions had been of great value to the shipping interests of the East. Special attention had been given to the study of the destructive typhoons which, during certain seasons of the year, frequent that part of the world. Father José Algué had invented an instrument, a sort of barometer, which enables navigators to receive warning of the approach and general direction of the storms. This service was taken over and Father Algué was made director of a government weather bureau. It is safe to say that many thousands of lives and millions of dollars' worth of property have been saved by the timely warnings furnished by this bureau. In connection with the telegraph and wireless service, it is now always possible to give two or three days' notice of the approach of a typhoon, and this is generally sufficient to enable ships to be safely in port or far enough out at sea to be comparatively safe.

Attention has been called to the fact that the Filipinos and Spaniards, in building their cities, located them as far as possible from the natural harbors which were available to raiding Moro pirates. Manila Bay is not a harbor, being twenty-five miles across, and the city at the mouth of the Pasig River faces what is really the open sea. Zamboanga also is located on an open roadstead, although there are good natural harbors within a few

miles of it. Capiz is within twenty miles of a splendid natural harbor at Batan. Dagupan, located on a river behind shifting sandbars, is but a few miles from Sual, where there is a perfectly protected natural harbor. Batangas, Catbalogan, Legaspi, and other towns, illustrate the same practise.

The absence of harbors, and suitable docks and wharves, was not only a serious menace to the safety of shipping but a positive restriction upon commercial development. Where there is a well-protected harbor, as at Hong Kong, it is possible, under favorable weather conditions, to handle and land passengers and freight by means of launches, lighters, cascos and sampans, and this was the universal custom in all eastern ports. In fact, Manila is the only port, even now, where ocean steamers land passengers and freight upon modern piers.

Prior to 1900 there was not a single good harbor in use in the whole Philippine Archipelago. At present the ports of Manila, Cebu and Iloilo are equal, if not superior, to any in the Orient, and great improvement has been made in many of the less important ports. At the sugar shipping port of Bais, a stone causeway a mile and a half in length has been constructed on the end of which there is a warehouse for the temporary storage of sugar. The port of Pandan, in Ilocos Sur, has been materially improved. At Paracale, in the mining district of Ambos Camarines, a reenforced concrete pier about five hundred feet in length reaches fifteen feet of water. Channels have been blasted in the reefs which surround certain of the islands of the Batanes group, which has rendered their approach reasonably safe. An expensive self-driving combination snag boat, pile driver and dredge has for some time been maintained on the Cagayan River. Many surveys of minor ports have been made and work of this character is being done as rapidly as money for the purpose can be obtained. Considerable has been done in the way of river improvement for the purpose of improving navigation and protecting the country from the effects of inundations.

Cebu, the second city in size in the islands, is situated on an open channel and the port works there consist of a sea wall nearly

three thousand feet long on water dredged to depths averaging about twenty feet at low water. A wharf eight hundred and twelve feet in length is in process of construction and, as ships of the largest size come to Cebu, it will be necessary ultimately to dredge the harbor to a depth of at least thirty feet. In constructing the sea wall, the material dredged from the sea was used to reclaim the adjoining lowlands, and about ten acres of land was built up and is now occupied by streets and substantial buildings.

The city of Iloilo is located at the mouth of a river which has been used for harbor purposes. Seven hundred and eighty feet of river wall and thirteen hundred feet of reenforced concrete wharf to accommodate vessels of eighteen feet draft at low water have been built along the south bank of the river. The lower part of the river has been dredged to twenty feet at low water, a middle space to eighteen feet, and the upper part to fifteen feet.

Here, as at Cebu, the material taken from the river was utilized to reclaim the adjacent lowland.

The development of the port of Manila has been on a scale of great magnitude. As already stated, we found the city located on an open roadstead with harbor facilities only for such small steamers as were able to go up the Pasig River. The Spaniards had made elaborate preliminary plans for the construction of a breakwater, and the western part of the present breakwater was about half completed but no dredging had been done.

The Spanish plans were considerably changed by the American engineers. In 1905 contracts were let for the completion of the breakwater, the excavation of the harbor, and the deposit of the material taken therefrom behind a bulkhead so as to reclaim the land along the water front.[1] The work, including the dredging of the Pasig River, which constitutes a sort of inner harbor, was substantially completed by 1907 at a cost of approximately four million five hundred thousand dollars. The result is a deep-water harbor enclosed by two breakwaters, having a

[1] The valuable land thus created is owned by the insular government and leased to parties who will construct suitable buildings for warehouses and wholesale purposes.

total length of almost twelve thousand feet, a great part of which is dredged to a uniform depth of thirty feet. Two steel and concrete piers, one six hundred and fifty feet long and one hundred and ten feet wide, the other six hundred feet long and seventy feet wide, with a total covered area of ninety-two thousand square feet, extend from the shore into the harbor. The largest steamers in the Pacific unload their freight directly upon these piers. Another pier, of similar character and dimensions, was constructed by the military authorities for the use of the army transports and other such vessels.

The business of the port has grown so rapidly that additional piers are badly needed and within a few years the entire space within the breakwater will have to be dredged to accommodate large steamers.

During and for some time after the close of the war communication with the coasts of Asia and America was maintained by vessels under the control of the United States. As soon as possible after the return of peace, the government transports were replaced by commercial vessels, but the War Department continued to operate at least one transport per month each way between San Francisco and Manila. Through the active efforts of the Philippine government the service had been so greatly improved that when the European war commenced American, German, Spanish and Japanese ships were making regular trips to Manila. Fine new steamers were making regular bi-weekly trips between Manila and Hong Kong. The Pacific Mail Company had for some time been running its great ships from Nagasaki to Hong Kong by way of Manila, thus giving direct communication from San Francisco by way of Honolulu and Japan to the Philippines by ships flying the American flag. Easy connection at Hong Kong was made with the British lines from Europe and Canada and with the ships of the Great Northern Railway Company, sailing from Seattle. So important had Manila become as a port that it was not unusual to see, at one time, half a hundred ocean-going passenger and freight steamers in the harbor. The European war resulted in the elimination of the German ships and the with-

drawal for government use of many of the British vessels, thus leaving the Philippines without adequate transportation to Europe. About the same time Congress adopted the fatuous Merchant Marine Law which forced all ships flying the American flag out of the Pacific trade and placed the traffic in the hands of the Japanese.

The war and insurrection had left the interisland transportation system greatly demoralized. In order to appreciate what was finally accomplished it is necessary to bear in mind the conditions prior to the war. The natives carried on their small interisland trade by means of primitive sailing crafts and the Spaniards sent their crazy little steamers wandering in and out among the islands, picking up the products of the country as opportunity offered and carrying them to Manila, Cebu and Iloilo, where they were turned over to the exporting houses. Neither the ships nor their methods of doing business were subject to any form of effective government inspection or control. They were tramps, going when and where they pleased, buying hemp, copra and other products at their own prices. The abuses of the system were not an unconsidered factor in arousing the spirit of resentment and dissatisfaction which led to the insurrection. During the war, many of these boats were utilized by the government for the transport of troops and supplies, and the very high rates paid for their charter or for carrying freight enabled their owners to gain abnormal profits. Practically none of these earnings were used for maintenance and when the brief period of prosperity ended but few of the ships were in a seaworthy condition. Under the new government the old business methods could no longer be resorted to. New ships, new men and new methods were required. A new merchant marine had to be created.

It was necessary to keep in close touch with all the outlying districts. The new local governments in the provinces and municipalities required the closest inspection and supervision. The protection of the revenue necessitated the careful guarding of the coasts against smugglers and dealers in contraband articles such as opium and arms. The public safety, as well as the re-

quirements of the postal and revenue service, and the general administrative work of the insular government, required the government to maintain its own ships.

A new bureau was created and charged with the duty of guarding the coasts, operating all government ships, the construction and maintenance of harbors, lighthouses, and the other agencies for securing the safety of navigation, and assisting the other bureaus by carrying the mails, constabulary soldiers, revenue officers, officials and government freight.

For administrative purposes the coast was divided into twenty-one circuits, each averaging about six hundred and fifty miles, determined with reference to communication between the provincial capitals and the coast towns of the several provinces; and provision was made for the assigning of one government vessel to each of the circuits. As suitable boats could not be purchased, contracts were entered into with a shipbuilding concern at Shanghai for the construction of ten ocean-going coast guard vessels, and these were built in due time. A contract with a Japanese company at Yokohama for the construction of five boats of substantially the same kind proved unfortunate and the government, after suffering a substantial loss, relet the contract to the Shanghai company. The fifteen boats cost $1,570,000 and were for some time thereafter operated at an annual expense of approximately half a million dollars. In 1903 Governor-General Wright was able to report that all these vessels had been delivered and were being operated along routes and upon schedules so arranged as to give regular service at short intervals, to all parts of the Archipelago, and that "through their instrumentality, the Insular government and the various bureaus thereof are able to keep in fairly close touch with all points of the islands."

During the year 1904 these coast guard boats, operating on eleven routes, traveled 350,000 miles, visited over 4,000 ports, carried 5,000 passengers, and over 5,000 tons of freight.

Very naturally, the commercial ship owners complained of the loss of the business which they had abused and appealed to the government for assistance. Although the government had

been forced to provide transportation for itself because of the inadequacy of the privately owned ships and the unscrupulous methods of their owners, it had no desire to compete unnecessarily with private enterprise, if any such thing could be found. It was more than willing to give way if any method could be devised by which it and the general public could be assured of regular and adequate service at reasonable and uniform rates. A plan was finally worked out which seemed to assure this and embodied in a law which contemplated the withdrawal of the government ships from the trade routes and the substitution of commercial vessels operating under contracts with the government which should fix the routes, the standard of shipping, the schedules of sailings, and the rates which should be charged for passengers and freight, which should be the same for the government and the general public. The law also created a superintendent of interisland transporatation who was charged with the duty of seeing that the shipping concerns lived up to their contracts, maintained their vessels according to the required specifications, and rendered good service to the government and the public.[2]

The law contemplated the payment of small subsidies varying according to the commercial importance of the routes, in return for which the contractees were required to carry the mails free, arrange their ships to conform to designated plans and specifications, maintain them in sanitary condition and observe strictly the established schedules of sailings to and from the named ports. They were given a monopoly of all government transportation business on the routes, at reasonable rates, to be agreed upon subject to the approval of a board of rate regulation. Effective government control was secured by a provision that violations of the contract should be punished by a fine, to be deducted from the monthly payments due on the subsidies.

The first difficulty was to find parties who were willing to assume these obligations for a reasonable subsidy. Bids upon twenty-one designated routes were advertised for in the United States and the Philippines, and early in 1906 five-year contracts

[2] Act No. 1310, March 23, 1905.

were let on thirteen of the most important routes, on terms which required the payment of subsidies of from five to twenty thousand dollars per year on the different routes, making an aggregate charge of $101,678 per year.

The government then retired from the transportation business on the contracted routes, but continued to operate the coast guard boats upon the commercially undesirable routes, for the purpose of serving the isolated ports and developing the business to a point where a commercial company could be induced to take it over.

The plan worked very successfully. A number of new ships were built and the old ones were greatly improved and maintained in what, to their owners, seemed an exaggerated sanitary condition. After a few rather bitter experiences, they learned that schedules of sailings must be adhered to,[3] and the interisland commerce was soon flowing peacefully along its natural channels.

When the contracts expired, in 1911, there was no money with which to renew them as the legislature had failed to make the necessary appropriation. To avoid the demoralizing effect of a return to the old system, temporary contracts were made with the steamship companies under which the old contracts, without the provision for fines, were continued until such time as an appropriation should be secured. The companies thus assumed the risk, should no appropriation be made, of operating for a time without a subsidy. This temporary arrangement continued until the spring of 1912 when an appropriation of one hundred thousand dollars a year for two years was made. The routes were then rearranged to conform to existing conditions and contracts entered into with five shipping companies for service over nine routes, upon which subsidies aggregating $61,772 a year were paid. By 1914 conditions had so improved that it was possible to renew the contracts over a number of routes without payment of any subsidies.

[3] In one instance, a fine of two thousand five hundred dollars was imposed upon a ship as penalty for not stopping at the schedule ports. Thereafter it never missed a port.

Under the reorganization act of 1905 the Bureau of Coast Guard and Transportation became the Bureau of Navigation, and as such continued until 1914, when it was abolished and its work distributed between the Bureaus of Public Works and Customs. The work of the Bureau of Navigation had been very far-reaching in its effects, but its operation was always rather unsatisfactory. There was a tendency, at least during the latter years of its life, to see large and spend more money than was necessary. The director was seldom able to live within the appropriations and was constantly being charged with extravagance. The purchase of the twenty-seven-hundred-ton ship *Rizal* to serve as a cable ship was a serious mistake in judgment for which Secretary Forbes was probably more to blame than the director of the bureau. The attempt to make a ship serve the dual purpose of a cable ship and an official yacht was predestined to failure. The uses conflicted. When a cable broke the *Rizal* was reasonably certain to be somewhere at sea on other duties and expensive delays resulted. The expense of operating so large a boat was out of proportion to the benefits, and the *Rizal* could always be relied upon by the director as an excuse for his deficits. In 1912 an unsuccessful attempt was made to sell the boat. The last reports show her as partially earning a living by carrying rice and cement from the China coast to Manila, and it may be assumed that when the cable breaks the *Rizal* will be on the wrong side of the China Sea. However, war freights may have redeemed her reputation.

The organization of local unions among the sailors of Manila and the consequent strikes caused uneasiness among the sailors on the government boats. The coast guard boats each carried a gatling gun, two one-pound Hotchkiss guns and a complement of small arms, and the fleet constituted what Governor Taft called a "civil navy." Finally the legislature provided for "a commissioned and enlisted service within the bureau," to be governed under miltary law. The service was thereby greatly improved, but it was never possible to raise it to the same plane as the constabulary, which performed somewhat similar services on land. For some reason the director, although a former naval officer, was

never able to instil the proper spirit of discipline into his subordinates. The bureau was also unfortunate in being unpopular with the Filipinos. The merchants regarded it as a formidable business competitor and the development of a large machine-shop at Engineer's Island aroused bitter antagonism on the part of owners of private shipyards. For a while unpleasant rumors of graft were floating about and at one time the director had to be placed on trial on charges preferred by one of his assistants. While these charges were not sustained, they were generally credited by that part of the public which is always anxious to believe ill of public officials. The native papers were constantly demanding that the bureau should be abolished and this was finally done soon after the departure of Governor-General Forbes.

Nevertheless, much of the work of the Bureau of Navigation was essentially fine. The officers, with a few exceptions, were efficient and devoted to the service. The sturdy coast guard steamers penetrated into all kinds of waters and some of them left their bones to bleach on the treacherous reefs with which the waters abound. Their short history is illuminated by numerous acts of personal courage, daring and heroism on the part of their commanders and seamen.

With the expenditure of a reasonable outlay, hundreds of the rivers which meander across the Philippine lowlands can be made navigable. The heavy rainfall in the mountains scours many of these rivers to a great depth but forms bars at their mouths which render access from the ocean difficult. In some instances, where the obstruction is formed by coral reefs, they have been removed and the rivers made accessible; but the shifting sandbars require port works which are beyond the present financial ability of the government. The time may come when the rivers of the Philippines will be of greater commercial importance than even the railways.

CHAPTER XVII

Philippine Agriculture

Basis of the Country's Wealth—Undeveloped State of Agriculture—Inherent Difficulties—Early Work of Bureau of Agriculture—Attempts to Introduce New Plants and Vegetables—Improving the Domestic Animals—Horses and Cattle—Farm Machinery—Animal Diseases—Rinderpest and Surra—Policy of Isolation Adopted in 1910—Its Results—Corn Culture—Native Fruits—Coffee, Tea and Rubber—The Fiber Industry—Hemp, Method of Cultivation—Exports of—Government Grading—The Tobacco Industry—Its Revival—Exports—Sugar, Condition of the Industry—Table of Exports—Cocoanuts—Development of the Business—Table of Exports—Rice—Its Importance—Necessity for New Methods—Irrigation—Comparative Failure of the Work—The New Law of 1912—Farmers' Credits—The Agricultural Bank—Summary of Results.

The Spaniards and Filipinos made earnest efforts to develop the agricultural resources of the Philippines. They organized numerous societies and associations to advance the work and established several experimental farms. Some very substantial results were obtained in certain directions and whatever wealth the country possessed had been produced by the agriculturists. As a whole, however, Philippine agriculture was a very primitive affair.[1]

In the tropics the soil, the plants, the animal life, even the inhabitants, and the characteristics of each, are determined by something over which even the energetic newcomers from temperate climates have little control. Nearness to the equator explains most things. Climate is a fixed and determining factor in the situation. The soil consists mainly of decomposed rock en-

[1] For the conditions of agriculture at various periods, see *Agriculture in the Philippines,* by Governor Joseph Basca y Vargas (1784), B. & R., L, p. 292. For conditions in 1880, see Jagor's *Risen,* p. 300; B. & R., L, p. 302. For the work of the Economic Society of Friends of the Country, which was founded in 1781 on the advice of Governor Basca y Vargas, and was active after 1822, see B. & R., L, pp. 307-322.

riched with decayed organic matter, and when sufficiently watered it is extremely fertile. It produces luxuriantly the trees, plants and vegetables for which its elements provide food. The great heat and excessive moisture stimulate rapid and abundant growth and quick decay. The same conditions produce the characteristic animal life of the tropics—abundant, diverse, increasing in variety and numbers as it approaches the lower forms. It is parasitic and destructive to an almost incredible degree. But nature establishes a sort of equilibrium between the constructive and destructive forces, and both animal and vegetable life flourish in abundance. But against an alien, whether man, animal, or plant, all the destructive forces unite and only the most scientific weapons will serve for defense.

It is difficult for a visitor from temperate climes to realize that a soil that produces so luxuriantly the vegetation of the jungle will not necessarily produce all the desirable plants of his home land.[2] If the *camote* will grow, why not the reliable Irish potato; if the mango, why not the peach; if the scraggy pony can find sustenance in native grasses, why not the stalwart American mule?

The American government entered upon the work of rehabilitating and stimulating agriculture with great enthusiasm but the results of fifteen years' labor have not been very satisfactory. The comparative failure has been due in part to bad administration, but principally to the inherent difficulties of the situation. In the early days the Bureau of Agriculture misjudged the problem and by the time it learned that the natives must be taught to produce more of the staple products of the country by the use of modern machinery and better methods of cultivation and that this can be accomplished only by actual demonstration on the

[2] "Many exaggerated statements have been made about the inexhaustible fertility and wonderful resources of the soils of the Philippines by persons doubtless misled by the luxurious tropical vegetation. While it is true that vast areas of fertile soils are found that will respond abundantly to modern cultural methods, there are, also, many localities where agricultural advancement can only be made by considerable expenditure of time and money." Dorsey, *Soil Conditions in the Philippines* (1903), Bu. of Agri., *Bulletin No. 3.*

ground, it was engaged in a struggle with animal diseases which absorbed much of its funds and energies.

In the autumn of 1901 Mr. F. Lamson-Scribner, who, on the recommendation of the secretary of agriculture, had been appointed chief of the bureau which was to be created, was instructed "to secure agricultural machinery, farming tools, and seeds of American vegetables and field crops, and to visit places in the United States where practical information likely to be of value to him in his future work could be obtained, before sailing for the islands." Having thus qualified himself and been furnished by the Department of Agriculture "with a large and valuable consignment of seeds for experimentation and distribution, together with a fine set of lantern slides, an extensive collection of botanical specimens, and many important publications," the new chief departed to conquer the dragons which, for generations, had mutilated or destroyed tropical agriculture.

In the spring of 1902 a bureau of agriculture was organized with an expert in animal industry, a botanist and assistant agrostologist, a soil expert, a tropical agriculturist, an expert in plant culture and breeding, and an expert in farm machinery and farm management, to which was soon added an expert in seed and plant introduction and one on fiber investigation.[3]

The dominant idea then seemed to be that what the Philippines really needed was garden seeds. Through the provincial governors and *presidentes* an extensive mailing list was obtained and many circular letters were sent to the "more intelligent and progressive persons interested in agriculture." Eighteen thousand two hundred and fifty packages of field and garden seeds (one hundred and thirty-four varieties) were distributed to seven hundred and thirty persons, "many of whom have shown a lively interest in the result of the experiments which they are thus

[3] Report of the Secretary of the Interior, Nov. 1, 1902 (*Rept. Phil. Com.*, 1900-1903, p. 359).

The Bureau of Agriculture was in the Department of the Interior until May 12, 1910, when it was transferred to the Department of Public Instruction.

enabled to make." The November 1, 1902, Report of the Secretary of the Interior was a sort of agricultural lyric:

"There seems little doubt," he wrote, "that great good can be accomplished by this means and that a number of new and valuable plants can be successfully introduced. The better varieties of tomatoes grow well throughout the Islands. Fairly good Irish potatoes and peas have been grown in the lowlands near Manila from American seed; and very fine potatoes, celery, and peas have been raised from American seed in Benguet. Beets do well in the lowlands, and radishes are ready for the table in from three to four weeks after planting. Improved varieties of oranges and lemons brought from California are flourishing both in the lowlands and in the mountains of Benguet, while pear, peach, apricot, and plum trees have been successfully introduced in the latter region."

A soil survey was commenced, designed particularly to ascertain the best localities for the growth of abacá. A botanist visited the celebrated gardens at Buitenzorg for the purpose of identifying the material he had collected and studying rubber, gutta-percha and other plants.[4]

The opportunity for experimental work with plants presented by the climate and soil of Baguio in the Benguet Mountains was believed to be unrivaled. "The climate," wrote the secretary of the interior, "admits of the growing of a great variety of tropical, subtropical and temperate zone plants. In the garden of the governor one may see coffee bushes bearing heavily, fine tea plants, hothouse gardenias, caladiums, dracænas, frangipani and mango trees, all characteristic of the tropics; alsophila tree ferns, scarlet hibiscus, passion fruit, begonias, hydrangeas, and many other plants of the subtropical regions; and side by side with these potatoes, tomatoes, peas, beans, celery and other garden vegetables and monthly roses, all strictly temperate-zone products, while the neighboring hillsides are covered with pine trees and produce raspberries and huckleberries in considerable abundance.

[4] A large botanical collection and a fine reference library which the Spanish had collected at Manila were burned in 1897.

. . . Cabbage, tomatoes, onions, leeks, carrots, turnips, parsnips, beans, peas, cucumbers, marrow, squashes, pumpkins, salsify, Irish potatoes, white oats, wheat, millet and alfalfa were sown. All of them germinated quickly, and there was nothing to show that the soil was deficient in plant food."[5]

A year later it became evident that the task of hustling tropical agriculture was not going to be such a simple matter. Suspicions were aroused as to whether the bulletins and even the fine collection of lantern slides which the director had brought out were going to do the work.

In his annual report for 1903, the secretary of the interior announced that the work of the Bureau of Agriculture during the last year had been highly satisfactory *"so far as the preparation and publication of bulletins* embodying information likely to be of value to agriculturists is concerned." But, "so far as concerns the establishment and operation of experimental farms, the stock farm, the school of agriculture, and the handling of draft animals imported by the Insular government, it has in many respects been highly unsatisfactory."

These scientific bulletins were highly interesting and valuable to the prospective foreign and American investors in agricultural lands and to the comparatively small number of Filipinos who could read them, but they were not of much use to the average native, who could only be reached by practical demonstration of the advantages of improved methods and the use of modern agricultural machinery. The result had not been commensurate with the opportunities presented and the funds appropriated.[6]

The outlook for growing temperate zone vegetables and plants at Baguio also began to be a trifle cloudy. It was found, according to the secretary, that "the seeds planted . . . germinated readily and grew well for a time, but just at the period when they

[5] Report of the Secretary of the Interior, Nov. 1, 1902 (*Rept. Phil. Com.*, 1900-1903, p. 361).

[6] *Rept. Phil. Com.*, 1900-1903, p. 596. During the year 1907 the Agricultural Extension Work was started and placed in charge of ex-Governor Pablo Tecson. (*Rept. Phil. Com.*, 1907, Pt. II, p. 47.) It has since been actively carried on with good results.

had to depend on the soil for nourishment, the young plants with few exceptions sickened and died, showing that the soil had some injurious element or lacked some essential one."[7] Some encouragement was found in the fact that "pumpkins, squashes, and cucumbers flourished while other vegetables languished." But the new civilization could not be founded on pumpkins, squashes and cucumbers alone, and the soil experts were set to work. It was now learned that Baguio had always had a bad name among the natives as an agricultural region and the experimental station was transferred to the near-by Trinidad Valley.

In addition to the scientific investigation of conditions affecting agriculture and the publication and dissemination of information as to the best ways of increasing the production of the staple products such as rice, sugar, tobacco and copra, the bureau directed its energies to the improvement of the draft and other domestic animals, and the eradication of animal diseases. Unfortunately, the fight to preserve the lives of the animals soon absorbed the greater part of the available funds and time of the officials.

It is possible that an undue portion of time and money was devoted to the preparation and distribution of bulletins although, as to this, there is ground for difference of opinion. Some of these publications, particularly the *Agricultural Review,* which was established in 1908, have been very useful and far-reaching in their influence.

The attempt to introduce new plants and vegetables was not very successful. As a whole, possibly because too much was expected, it has been disappointing. Nevertheless, some valuable new food plants and vegetables have been acclimated and are now in common use by the people. The gardens maintained in connection with the common schools have been the most efficient of all the agencies for teaching the common people how to cultivate and use new plants and vegetables.

[7] *Rept. Phil. Com.,* 1900-1903, p. 600. Later experience showed that the difficulty was due to improper cultivation. *Rept. Phil. Com.,* 1904, Pt. II, p. 68.

Very naturally, better results have attended the efforts to improve the native plants. Maguey, a plant similar to what is known as Yucatan sisal, grows wild in the islands. Its cultivation has been encouraged and many thousands of the Hawaiian sisal plant have been distributed and planted. California oranges and lemons have been grafted on the native citrus trees with some degree of success. The cultivation of the native tree-cotton, known locally as *kopak,* has been encouraged. Attempts to introduce new varieties of sugar cane and rice have not been successful. Japanese rice proved a failure, as did several new varieties of sugar cane. The government rice farm established in Tarlac in 1904 was finally abandoned, having "served its purpose," principally in enabling the Filipinos to see rice threshed by machinery.[8]

In 1911 there were 756,290 acres planted in corn—an increase of 489,318 acres since 1902. Corn is now the second grain crop of the country. It will grow in any part of the islands and its general use as food in connection with the universal rice diet would vastly improve the physique of the Filipinos.[9] The native hogs, also, which are mostly of the razorback variety, would, if fed on corn, experience a new birth. Pineapples and guavas grow wild. The Philippine mango is the best in the world.[10] Bananas of a good quality grow in almost every native's yard and wild in unlimited quantities. There is no reasonable doubt but that in time the coffee industry, once so important, will be restored.[11] The tea plant grows well in northern Luzon. Para and other

[8] In his report for 1906 the secretary of the interior announced that the rice farm in Tarlac "having served its purpose in an experimental way and not being suited to the raising of rice on a commercially profitable scale on account of the soil and the nature of the land, had been discontinued, but not before results of great importance to the rice growers between Manila and Dagupan were obtained." The wisdom of the Filipinos in sowing rice first in seed beds and transplanting it after it has attained considerable size has been conclusively demonstrated. *Rept. Phil. Com.,* 1906, p. 46.

[9] "There is a great future for corn in the islands and there is no good reason why this cereal and its by-products should not be exported in large quantities, after supplying the home demand." Shererd, *Corn Culture in the Philippines* (Manila, 1912).

[10] *The Mango,* by P. J. Wester (Manila, 1911).

[11] For its history, see *Philippine Census* (1903), IV, pp. 76 *et seq.*

rubber trees and plants thrive and prospects for rubber plantations are excellent.[12]

It is an extraordinary fact that very few plants and grasses suitable for food for horses and cattle grow in the Philippines and it has been necessary to import nearly all the forage for the use of the government and army from the United States. Attempts to construct "rations" for domestic animals have been but partially successful.[13]

Guinea grass is by far the most important plant which has been introduced and it furnishes an extraordinary amount of nutritive food for horses, cattle and pigs.

The attempt to raise Irish potatoes in the islands on a large scale has been a failure. Some success was had at the Trinidad experimental farm. The military authorities, after elaborate experiments on the highlands near Lake Lañao in Mindanao, finally abandoned the attempt. The plants grew well and there was an abundance of potatoes, but for some unaccountable reason they never reached much beyond the size of marbles.[14]

A most serious problem has been the saving of the lives of the draft and other domestic animals from death by diseases, and the restocking of the country with animals to take the place of the hundreds and thousands which had been wiped out by rinderpest and surra.

There had been a shortage of draft animals in the Philippines for many years. The native farmers were dependent almost entirely upon the carabao. There were no draft horses and the comparatively few native ponies were seldom used for anything but riding and drawing carriages and other such light vehicles, as said in the *Report of the Secretary of the Interior for 1903*.[15]

[12] "Rubber-Producing Capacity of the Philippine Islands," *Sen. Doc. 356, 59th Cong., 2nd Sess.*

[13] A fodder factory has been established near Manila, but the experiments carried on have not been very encouraging. *Report of Secretary of Public Instruction*, 1910.

In 1910 Secretary of War Dickinson appointed a board composed of army officers and civilians to investigate the forage question.

[14] Report Com. Gen. (*War Dept., Ann. Repts.*, 1911, I, 387).

[15] *Rept. Phil. Com.*, 1900-1903, p. 601.

"No work which legitimately falls within the scope of the work of the Bureau of Agriculture is at present more important than that of animal industry. With the dreadful loss of horned cattle due to rinderpest, the heavy call for native horses in Manila which has resulted in draining the provinces of good animals, . . . and the ravages of surra and glanders among the horses of the archipelago, it has become increasingly important to restock the islands with the draft animals with which the Filipinos are accustomed, as well as to introduce new draft animals and improve existing breeds."

The government tried importing high-class horses and cattle from the United States, Australia, Arabia and India, for breeding purposes. Stock farms were established at Trinidad and Alabang, and stallions, bulls and jacks were sold, loaned and given to the provincial authorities. The result has been a decided improvement in the native stock. For a time it was believed that American and Australian horses would breed and thrive and that the American mule would become as common as in the southern states. Probably the plan has not had a fair trial because of the presence of the diseases which destroyed so many of the imported animals. However, it soon "became apparent that the raising of American and Australian horses was not going to be an entire success."[16] Nevertheless it has not been exactly a failure, as there are now many fine American and Australian horses in the islands and the number seems to be slowly increasing, notwithstanding the prevalence of the diseases to which they are so susceptible.

The introduction of dairy cattle has been moderately successful. High grade Jersey cows have done well when they have escaped the diseases, and good milk in limited quantities is now obtainable at Manila. But, as with the horses, the early promise was not fulfilled and it became necessary to resort to India for the Nellore cattle which had been accustomed to a similar climate.[17] It may thus fairly be said that, on the whole, the attempt

[16] *Rept. Phil. Com.*, 1909, p. 122.

[17] "As efforts to introduce improved breeds of cattle from Australia and America have, on the whole, proved very unsuccessful, it was therefore deemed advisable to attempt to introduce from India improved breeds of

to introduce new breeds of horses and cattle from the temperate climates has not been a great success.

Some progress has been made in the introduction of modern farm machinery. On the large *haciendas* steam plows and threshers are in use, but the ordinary Filipino farmer is still plowing his small tract of land with a wooden plow and a carabao and threshing it by hand and foot. The traction plows in use are too heavy and expensive and until a smaller machine, such as the light farm tractor now in successful use in the United States, is introduced, the old methods will have to be followed on all but the great plantations.

It is safe to say that from the beginning of the American occupation at least fifty per cent. of the funds and energies of the Bureau of Agriculture have been devoted to the work of fighting pests, which range all the way from insects to rats and wild hogs, and animal diseases. Among the former, locusts hold a bad preeminence. They come as did the grasshoppers in the western states in former years. Every known device for their destruction has been tried, but nothing other than killing them *en masse* has been successful. Such methods are necessarily only partially effective, and until the locusts can be exterminated by some natural enemy such as the parasite that destroyed the Kansas grasshoppers, they will continue to do great damage to the crops.

Rinderpest was introduced into the Philippines from India about 1888, and has, ever since, been present. During 1902-3 it is probable that seventy-five per cent. of the horned cattle died, and it became necessary for the government to come to the relief of the people. Many thousands of these animals were bought with government money in India and Indo-China and sold to the farmers at cost, but such relief could be temporary only, as long as the disease continued to rage. They died faster than they could be imported.

cattle accustomed to a climate similar to that of the Philippines." *Rept. Phil. Com.*, 1909, p. 123.

The Nellore cattle, with humps, are beautiful animals and thrive in a hot country.

For years it was believed possible to render the animals immune by the use of serum. But it was found that after two or three months the disease returned. Simultaneous injections of the serum into one side, and the blood of a sick animal into the other, was believed to be permanently effective. But after several years' experimentation, it became evident that no real progress was being made. As fast as the disease was exterminated in one locality it appeared in another. In 1910 Doctor A. R. Ward was appointed chief veterinary and a systematic campaign against rinderpest was inaugurated under his direction. In his report for 1911 Secretary Gilbert said:[18]

"After exhaustive investigation the conclusion was reached that under the conditions existing in the Philippines, *the use of anti-rinderpest serum was impracticable and it was discontinued.* Following the discontinuance of the use of serum, the effort to control rinderpest was centered upon the object of keeping animals separated from one another and thus segregating the diseased animals so that they might be placed under restraint in corrals."

The isolation of the diseased animals necessitated an elaborate and expensive system of quarantine. Public sentiment among the natives was antagonistic, and many of the local officials were not in sympathy with the policy. Lord Salisbury once said

[18] *Rept. Phil. Com.*, 1911, p. 170.

The government seems now to have abandoned the policy of isolation because of its unpopularity. In his report dated July 1, 1916, Governor-General Harrison says: "Quarantine might solve the rinderpest problem, but it is difficult of application in a country without fences, where almost all the families keep one or more carabaos. Moreover, the disease is supposed to be transmitted not only from one carabao to another but also by deer, by dogs and cats, by pigs, and even by the birds which settle on the backs of the carabao to relieve them of their insects. Quarantine can, and has reduced the rinderpest, but it is too much to expect that it can bring about the entire elimination of the disease. Simultaneous inoculation has proved very successful in Iloilo and in Pampanga during the past year, and is being as vigorously pushed as funds and personnel will permit. It may ultimately become necessary to adopt the method of purchase and killing by the government of all animals suspected of having the disease. This is the means by which rinderpest was ultimately conquered in some near-by countries. The best that can be said in the Philippines to-day is that the disease is not so prevalent, and deaths less numerous than at some periods in the past."

that, "It is easier to combat with the rinderpest or with the cholera than with public sentiment." Our government has had to deal with a combination of the three. It was necessary to maintain the quarantine very strictly in order to accomplish anything and at one time during 1911 a large part of the constabulary, and more than fourteen hundred of the scouts loaned by the military authorities, were used on the work in the provinces north of Manila. About the same time a strict quarantine was enforced against animals coming in from foreign countries. The result of this policy was that at the end of the year 1912 the disease had been practically stamped out, and for once the secretary was able to report that "animal disease is now a comparatively small factor in the industrial economy of the islands, but potentially it is a very large factor."[19]

But the Filipinos were irritated by the severity with which the quarantine measures had been enforced, and soon after Mr. Harrison became governor-general the legislature took the management of the rinderpest campaign from the Bureau of Agriculture and transferred it to the provincial governors,[20] with very disastrous results. Apparently the disease can be eradicated if the people are willing, for a time, to submit to the necessary quarantine measures, both internal and external, and in no other way.

The only products at present exported from the Philippines in any considerable quantities are hemp, tobacco, sugar and copra. Rice is imported. The fiber industry of the islands is capable of almost indefinite expansion. Hemp, known locally as abacá and by botanists as *musi textilis,* is a plant of which the Philippines has a natural monopoly. For some reason, all attempts to grow it elsewhere have failed. In appearance abacá closely resembles the

[19] "In all provinces where local officials have cooperated earnestly with the Bureau of Agriculture, the disease has been either entirely eliminated or very largely reduced in amount; and of the many towns affected at the close of the year a great proportion were in one province where cooperation had not been had." *Rept. Phil. Com.,* 1913 (*War Dept., Ann. Repts.,* 1913, Vol. IV, p. 256).

[20] Act No. 2303, Dec. 13, 1913. This ill-advised law provided that the director of agriculture should prescribe the measures but "that the provincial governor of the province concerned shall have the direction of and be responsible for the enforcement of the measures so prescribed."

edible banana plant which grows in great variety and profusion throughout the islands. Albay, in the southern part of Luzon, is at present the principal hemp producing district, although large quantities grow elsewhere. Certain sections of Mindanao seem peculiarly adapted for the growth of the plants.[21]

Hemp land must be of high fertility and susceptible of good drainage, moist, but not wet and swampy. As the plants require shade and a humid atmosphere they grow normally on the mountain slopes and in the valleys where the drainage carries off the surface water and the trees protect them from sun and wind. They are not liable to injury to any serious extent by insects. Much of the product is now gathered from the wild plants and the industry may be greatly extended by systematic planting and cultivation.

The small suckers which spring from the roots of the parent plants are set out in rows from five to eight feet apart. During the two and a half or three years which the plants require to reach maturity they must be kept shaded and cultivated enough to keep the weeds down. When the plants are ready for cutting the entire stalk is cut as close to the ground as possible, and new suckers spring up.

The fiber is in the leaf sheaths which surround the central flower stem or stalk. Each sheath is cut into strips two or three inches wide and their thick inner portions, which are mainly pulp, are torn away to render easier the extraction of the long fiber. The strips thus prepared are drawn by hand between the edge of a knife blade and a wooden plane, and the watery pulp scraped from the fiber. As each drawing makes the fiber cleaner and finer and increases its value and quality, producing a high grade of hemp is largely a matter of labor. But, as the quality increases, the weight of the product decreases, and the native worker finds it hard to sacrifice more pounds and extra labor for high grades.

[21] In his story, *From the Spanish,* Mr. John Masefield says that "the roping [of the galleon, the *Spanish Rose*] was of that precious hemp which grows only on the Sacred Hill (in Igorroti, in Luzon), so that an ell of it was worth a Florentine crown by the time it reached the Spanish riggers' hands." It would be interesting to know whether this is all part of the romance.

It is estimated that about one-fourth of the merchantable fiber is wasted by this primitive method. After being thus prepared the fiber is exposed in the sun for a few hours and then loosely packed in bundles and carried to the nearest market where the hemp buyers have their agents.

It is remarkable that no inventor has been able to devise a machine that will strip hemp economically without injury to the fiber. As a result the hemp industry is about where the cotton business was before the invention of the cotton gin. As early as 1843 we find the Economic Society of Friends offering prizes for the invention of a machine for stripping abacá. The American government also has offered substantial inducements to encourage inventors.[22] Several machines are now in use, but apparently they do not give entire satisfaction.

The Bureau of Agriculture has given much attention to the subject of commercial fiber, but its labors have not been productive of great results. For about ten years the quantity of hemp exported increased very slowly, but the low prices and the competition with Yucatan sisal depressed and almost discouraged the growers. Since 1914 the higher price has, to some extent, made up for the small amount exported.

From 1850 to 1899 the export of hemp increased from 30,388 to 59,840 tons. After the insurrection it jumped to 112,215 tons in 1901. The following table shows the gradual increase in quantity and value since the year 1899:

MANILA HEMP EXPORTS

Twelve months ending December—	Totals			United States		
	Long tons	Dollars	Dollars per ton	Long tons	Dollars	Dollars per ton
1906.....	102,439	19,612,632	191	55,863	11,155,550	200
1907.....	115,395	19,689,493	171	51,628	9,316,539	180
1908.....	129,313	16,501,956	128	60,344	7,797,926	129
1909.....	165,299	16,896,000	102	99,928	10,434,041	104
1910.....	160,595	16,475,311	103	74,335	8,397,310	113
1911.....	146,209	14,520,127	99	62,924	6,802,790	108
1912.....	172,311	22,075,671	128	74,805	10,779,137	144
1913.....	117,928	21,121,084	179	46,400	9,787,216	211
1914.....	114,547	19,194,815	168	49,348	9,619,376	195
1915.....	139,767	21,339,100	153	68,157	11,351,283	167

[22] Rept. Bu. of Agr., April 1, 1905 (*Rept. Phil. Com.*, 1905, Pt. II, pp. 441-3).

The hemp business suffers from bad methods of cultivation and manufacture. The growers have complained of the system of grading adopted by the buyers, and the exporters of the carelessness and indifference of the producers as to quality.[23] It has been very difficult to induce the producers to take the care which is necessary to prepare the high grades in demand for making fine cloths, which have no competition and always bring a good price. The natives have a theory that the extra price does not compensate them for the extra labor and reduced quantity. The quantity of hemp produced can not be very materially increased until a satisfactory hemp stripping machine is found and plantations are planted and cultivated under expert direction and control.

Until recently the government has declined to assume any responsibility for the classification and grading of hemp.[24] As the result, apparently, of a systematic study of the subject commenced in 1911, the legislature, in 1914, provided for government inspection, grading and baling of hemp, maguey, sisal and other fibers,[25] somewhat as wheat and other cereals are graded in the western states of the Union. The law now imposes upon the director of agriculture the duty "to establish and designate standards for the commercial grading of abacá, maguey, and sisal, which shall become the official standards of classification throughout the Philippine Islands." The actual grading is required to be done at the ports of export by persons holding grade permits from the bureau. If properly administered, this law should have a very beneficial effect upon the fiber industry of the Philippines.

Tobacco was introduced from Mexico by the Spanish mission-

[23] See *Rept. Phil. Com.*, 1903, Pt. II, p. 650; *Official Gazette*, I, pp. 168, 189; Report on Fiber Investigations, *Rept. Phil. Com.*, 1903, Pt. II, pp. 712-720.

The export duty on hemp imposed by section 13 of the "Act to raise revenue for the Philippine Islands of Aug. 5, 1909," was repealed by the Tariff Law of Oct. 3, 1913. The duty on the hemp imported into the United States had been remitted. The theory was that the hemp producers would receive the amount of the duty in increased prices.

[24] See the adverse report of Commissioner Wright (*Rept. Phil. Com.*, 1903, pp. 351-2).

[25] Act No. 2380, Feb. 28, 1914.

aries. From 1781 until 1882 it was maintained as a profitable government monopoly. The provinces of Cagayan and Isabela produce most of the better qualities of tobacco, although considerable quantities are grown in other parts of Luzon. The land suitable for tobacco growing is limited. There is an enormous domestic consumption of cigars and cigarettes and vast quantities of both are exported to Europe and the United States. The quality of the tobacco still suffers from careless and unscientific methods of production which have injured the product in the markets of the world.[26] Considerable quantities are produced by small growers and in parts of Luzon many of the natives have small tobacco patches in connection with their gardens. But the business is principally in the hands of a few Filipinos and the *Compania General de Tobaco de Filipinas,* a Spanish company which owns large tracts of the best tobacco lands. For a few years after the American occupation the tobacco industry suffered greatly. It had lost the markets of England, India and Australia, and not gained that of the United States. In 1904 the exports amounted to 705,827 kilograms. The previous year it was 1,235,257 kilograms. For the first half of the year 1905 it amounted to but 149,828 kilograms. Señor Rosales told the congressional party which visited Manila in 1905, that but ten per cent. of the number of women and fifty per cent. of the number of men formerly employed were then at work in the cigar factories.

The sense of justice latent in the American public finally forced Congress to disregard the selfish importunities of the home tobacco interests and the Payne Tariff Law of 1909 opened the markets of the United States to a fixed quantity of the Philippine products free of duty. This restriction was removed by the Underwood Tariff Law of 1913 and the trade is now free, sub-

[26] "Cultivation of Tobacco," by C. W. Dorsey, *Farmers' Bulletin,* No. 5 (1903), and the testimony of experts before the congressional party which accompanied Secretary Taft to the Philippines in 1905, particularly that of Mr. Mauro Prieto, pp. 117-136; Mr. P. Krafft, pp. 79-89, and Señor José Rosales, pp. 106-117, of the pamphlet entitled *Public Hearings* (Manila, 1905).

ject to reasonable treasury regulations and the payment of internal revenue tax.

The free entry into the American market of the Philippine tobacco products failed to confirm either the predictions of the enemies or the anticipations of the friends of the measure. There was a decided revival of the industry and in 1910, 61,526,000 cigars were exported to the United States. But the unfair trade methods used against the Philippine cigars injured their reputation in the American market, and in 1914 the exports fell considerably.

The insular government has given every possible encouragement to the tobacco industry, and by a system of inspection and certification, has neutralized to some extent the misrepresentations made by interested parties in the United States, but it seems impossible to find good Philippine cigars in the United States such as are common in Manila. The factories are subject to the strictest supervision and nowhere in the world are tobacco products manufactured under more favorable sanitary conditions. The workmen are almost without exception Filipinos.[27]

The following tables show the extent and growth of the tobacco industry:

LEAF TOBACCO EXPORTS

Twelve months ending December—	Totals			United States		
	Pounds	Dollars	Cents per pound	Pounds	Dollars	Cents per pound
1906.....	26,685,768	1,767,365	6.62	107,923	6,143	5.69
1907.....	23,587,247	1,576,874	6.69			
1908.....	24,927,663	1,708,756	6.85			
1909.....	20,909,597	1,532,086	7.33	12,172	1,669	13.71
1910.....	21,408,412	1,555,870	7.27	7,436	1,507	20.27
1911.....	26,935,055	1,810,639	6.72	5,611	744	13.26
1912.....	30,837,978	2,173,998	7.05	88,636	12,517	14.12
1913.....	28,088,987	1,854,776	6.60	9,888	2,259	22.85
1914.....	28,848,165	1,757,824	6.09	45,598	4,612	10.11
1915.....	24,136,034	1,527,106	6.33	87,384	10,096	11.55

[27] A recent Act (No. 2613) provides for the inspection, classification and packing of tobacco for domestic sale or for export. The law resembles Act No. 2380, which applied to the fiber industry.

In Kipling's story, *The Man from Manila,* a traveler, on being informed that the Spaniards smoked only the cigars of the country, remarked: "Ah, that accounts for the administration of the country being what it is."

CIGAR EXPORTS

Twelve months ending December—	Totals			United States		
	Thousand	Dollars	Dollars per M	Thousand	Dollars	Dollars per M
1906.....	108,635	1,004,007	9.24	1,690	29,670	17.56
1907.....	114,665	1,063,382	9.27	1,526	24,200	15.86
1908.....	115,881	1,059,328	9.14	1,182	18,376	15.55
1909.....	151,457	1,754,529	11.58	37,076	737,396	19.89
1910.....	184,407	2,759,661	14.97	61,526	1,560,799	25.37
1911.....	134,830	1,901,863	14.11	38,112	902,378	23.68
1912.....	190,842	3,092,064	16.20	90,000	1,958,321	21.76
1913.....	191,762	3,012,234	15.71	71,513	1,642,888	22.97
1914.....	154,753	2,315,159	14.96	56,205	1,200,126	21.35
1915.....	134,648	2,057,303	15.28	61,170	1,151,222	18.82

It is possible that sugar will play a greater part in the future economic life of the Philippines than any other of its agricultural products. The cane seems to have been introduced into the islands from Formosa by the Chinese. Until the year 1855 it was cultivated on a small scale, the planters being inexperienced and without proper machinery or facilities for marketing the product. The phenomenal rise in the price of sugar at the time of the Crimean war gave a great impetus to the business. The planters were without adequate capital and in the absence of proper banking facilities, certain commercial firms financed the business and the production of sugar increased from six thousand tons in 1855 to thirty thousand in 1860, one hundred thousand in 1870, one hundred eighty thousand in 1880, and three hundred thousand in 1893. Then came a slump due to a financial crisis, competition with beet sugar and the devastation of war and animal diseases.

After the restoration of peace the sugar industry was slow to recuperate. Most of the *haciendas* outside of Negros were in ruins. The cost of production had been doubled and what labor was available was badly demoralized. The planters were in debt. It was impossible to borrow money upon agricultural lands at any reasonable rate of interest and prospects were not then such as to justify the commercial houses or banks in advancing money upon the security of the future crops.

The thirty years of prosperity had not taught the planters the necessity for improving their methods of cultivation and manu-

facture. The land was never properly plowed and cultivated and the machinery in use suggested that it also had come with the original sugar plants from Formosa and never been repaired. Irrigation and fertilization were unknown, and the mills never extracted more than one-half of the sugar from the cane. The other half and the by-products were thrown away.[28]

The American government did not at first seem inclined to encourage the industry on a large scale. Governor Taft expressed himself as opposed to it. The sugar business in tropical countries had, in fact, an invidious reputation. It was associated in the public mind with slavery and the abuse of native laborers. The word had a political, as well as saccharine flavor. It had been embarrassing, if not fatal, to many governments. "It is strange indeed," said Lord Beaconsfield in his life of Lord George Bentinck, "that a manufacture which charms infancy and soothes old age should so frequently occasion political disaster. . . . Singular article of produce! What is the reason of this influence? Is it that all considerations mingle in it; not merely commercial, but imperial, philanthropic, religious; confounding and crossing each other, and confusing the legislature and the nation, lost in a maze of intersecting and contending emotions." In other words, sugar had always been "in politics" and was destined, for some time, to continue "confusing the Legislature and the nation."

In addition to their local troubles, the sugar producers were without a market, and they made a strong appeal to Congress

[28] In 1905 Mr. W. C. Welborn, the chief of the Bureau of Agriculture, said: "In Luzon there is nothing larger than a three-roller mill in use, and I do not exaggerate when I say that at least half of the mills are driven by carabaos. In Negros there is one five-roller mill of a pattern of twenty-five years ago; all the rest are three-roller mills, and perhaps average a loss in the total juice of the cane of about 40 per cent. There is not a vacuum pan in the whole archipelago, and not one pound of centrifugal sugar is made. The cooking is done in the old Jamaica train in vogue in other sugar countries forty years ago. The sugar, molasses and all are boiled down hard and beaten up with spades and called sugar. It is a brown, lumpy, scorched sugar, polarizing about 84 degrees and containing a large amount of glucose, ash and other impurities that prevent much of the indicated 84 per cent. of sugar from being recovered at the refinery." *Public Hearings in the Philippines* (1905), p. 49.

for the removal of the duties on Philippine sugar. The original small reduction of duties proved of no particular value to them and the business continued to languish until 1909, when the Payne Bill authorized the admission of two hundred thousand tons of Philippine sugar into the United States free of duty. The following table shows that Mr. Welborn was correct when he told the visiting congressmen that "statistics show that cane producing countries move slowly, especially tropical cane sugar countries," and that the prediction of the Louisiana sugar growers that the removal of the duty "would suddenly stimulate production in the Philippines until one million three hundred thousand tons of sugar would be produced in three years" was, unfortunately, not fulfilled.

SUGAR EXPORTS

Twelve months ending December—	Totals			United States		
	Long tons	Dollars	Cents per pound	Long tons	Dollars	Cents per pound
1906.....	127,408	4,554,092	1.60	11,670	422,111	1.61
1907.....	125,896	4,195,671	1.49	10,815	403,851	1.67
1908.....	142,448	5,703,641	1.79	45,969	1,966,166	1.91
1909.....	127,284	5,608,287	1.97	52,234	2,649,604	2.26
1910.....	119,552	7,224,385	2.70	99,109	6,214,226	2.80
1911.....	205,392	11,040,673	2.40	184,345	10,067,103	2.44
1912.....	193,962	9,800,340	2.26	171,763	7,005,114	2.37
1913.....	154,848	7,032,889	2.03	30,232	1,564,036	2.31
1914.....	232,761	11,059,593	2.12	166,851	8,241,853	2.21
1915.....	207,679	11,310,215	2.43	81,532	5,141,580	2.82

The Underwood Bill of 1913 removed the restriction as to quantity and any quantity of Philippine sugar may now enter the American market free of duty. This result was secured against the bitter opposition of the cane and beet sugar interests of the United States.[29] Although the quantity of sugar exported in 1915 was 25,082 tons less than in 1914, the prices were so much higher that the amount realized was greater. In 1915, owing to the

[29] The Cuban, Hawaiian and beet sugar interests appeared before the committees at Washington and proved to their own satisfaction that if Philippine sugar was admitted it would swamp their infant industry. For the Philippine side of the controversy, and the general condition of the sugar industry in 1905, see *Hearings in Manila,* Aug., 1905, statements of Señor de la Heras, pp. 7-11; Señor de la Rama, pp. 22-48, and W. C. Welborn, pp. 48-78.

high freights, but 81,532 tons were sent to the United States as against 166,851 for the previous year.

The Philippine sugar business is still badly handicapped. The raising and manufacture of sugar requires more capital than any other agricultural industry and, in the face of the present world competition, it can be made profitable only when carried on on a large scale. A modern sugar mill such as is used in Cuba and Hawaii costs about one million dollars, and can be operated only in connection with a plantation large enough to supply it with cane. Two such mills have been built in the Philippines with American capital. But the Philippine laws do not allow a corporation to own more than twenty-five hundred acres of land and this limitation has seriously embarrassed the efforts to develop the business. It is claimed that at least five thousand acres are necessary for a successful sugar *hacienda.* A few large tracts have been acquired and are being developed by individuals who are identified with the new mills.

The sale of an isolated friar estate in Mindora to persons who had been interested in the sugar business in the United States was made the occasion for a bitter political attack upon the government by persons who were believed to be acting in the interest of the American beet-sugar industry. But it failed, and the estate is being put under cultivation.[30] A few small modern mills have been built by Filipino planters on the large estates in Negros.

But a large proportion of the Philippine sugar cane is raised by small farmers who still use the most primitive methods. It is, of course, impossible for them to construct modern mills and they have not shown much capacity for cooperative work. For several years the government was urged to treat the sugar industry as a public business and subsidize it to the extent of constructing or aiding in the construction of central mills to which the cane growers could bring their cane as the American farmers used

[30] This estate on the island of Mindora has suffered by reason of its isolation and the difficulties in the way of securing labor. The large centrals in Negros and on the Calamba Estate near Manila depend largely upon cane brought to them by the surrounding planters.

to carry their wheat and corn to the grist mills. Recently the government came to the assistance of the planters with loans of money and it is probable that in the course of time it will construct or finance large mills.

During the last fifteen years the cocoanut trees have become one of the leading sources of agricultural wealth. In 1902, the dried fruit of the cocoanut, known as *copra,* ranked fourth in the value of export commodities; in 1915 it was second. The chemists have discovered that the cocoanut is the source of various new food products, and there is now a constantly increasing demand for copra in Europe and America.

No particular advance has been made in the methods of production, which are still crude, and the Philippine copra, when compared with that produced in the South Sea islands and elsewhere, is of an inferior grade. This is due, not to the quality of the nuts, but to the lack of care in drying and handling the meat.

The beautiful cocoanut palm trees grow luxuriantly on nearly all of the islands and in some provinces they are cultivated with reasonable care. Unlike the hemp plant, a cocoanut tree thrives best when exposed to the strong winds. The trees grow from the seed, bear in about seven years from the time of transplanting, and live for about a hundred years. During the first four years they must be carefully protected from wild hogs and other animals. The nuts are gathered throughout the year and each tree produces from twenty to fifty nuts each year which net the owner from fifty cents to one dollar. Cocoanut groves containing from ten thousand to fifty thousand bearing trees are not uncommon. The size and number of the nuts may be greatly increased by the irrigation and proper cultivation of the soil. Excessive dry weather sometimes seriously reduces the crop and, of course, the trees have their insect enemies.[31] In certain sec-

[31] "With the exception of Ceylon, no country in the world has a greater cocoanut industry than the Philippines. It is therefore not very surprising that almost every cocoanut disease known in the world occurs in these islands. Of all these diseases the most dreadful, where it is found, is the bud rot. . . . There are many fungi which live upon the cocoanut. . . . There are a great many insects which live on the cocoanut, but most of them

tions typhoons occasionally blow down the nuts, but it is safe to say that no other tree or plant is so little liable to serious injury as the cocoanut palm. In fact, a good cocoanut plantation is worth more than an ordinary gold mine.

The cocoanut produces copra, oil and milk. The latter makes a pleasant, nutritious drink but is not an article of commerce. The oil is used in making soap, toilet articles, and certain butter and lard substitutes which do not, like ordinary butter, suffer from heat and are therefore in great demand in the tropics. Not much of the oil has heretofore been made in the islands, but modern mills have recently been erected at Manila and Cebu and the business should prove very profitable.

From the sap of the fruit-bearing stalk of the tree the natives make a mild drink called *tuba*. The fiber of the nut husks is utilized to some extent locally in the manufacture of a cloth called *sinimay* and is a constituent of other fabrics.

A certain amount of copra had been exported for many years. In 1892 it was exported to the value of $743,700, which constituted three and eight-tenths per cent. of the total value of the exports. In 1894 it constituted about seven per cent. of the value of exports. There was then a falling off until after the American occupation, since which there was a steady increase until the year of the European war, as shown by the following table:

COPRA EXPORTS

Twelve months ending December—	Totals			United States		
	Long tons	Dollars	Dollars per ton	Long tons	Dollars	Dollars per ton
1906.....	59,628	4,373,702	73	372	35,100	94
1907.....	57,696	4,784,151	83	2,076	197,558	95
1908.....	95,954	6,058,886	63	3,720	220,892	59
1909.....	107,310	7,672,865	72	5,850	422,178	72
1910.....	118,580	10,639,049	90	7,025	638,783	91
1911.....	139,901	13,019,562	93	14,969	1,378,345	92
1912.....	140,536	14,183,466	101	20,858	2,021,553	97
1913.....	80,920	9,545,724	118	9,879	1,199,083	121
1914.....	85,965	7,980,270	93	17,894	1,606,133	90
1915.....	136,895	11,111,555	81	20,882	1,760,046	84

do little harm. . . . The cocoanut pests which do the greatest damage in the Philippines and in other Eastern countries are the rhinoceros or black beetle and the red beetle or palm weevil." *Civic-Educational Lectures*, No. 3, Sec. 11, p. 9 (Manila, 1910).

As the demand for cocoanut products is constantly increasing it will not be surprising if the cocoanut becomes the most valuable of all Philippine products.

There are no statistics available to show the exact amount of rice now raised in the Philippines, but judged by the imports of rice from China it is probable that the quantity has not been materially increased during the period of American occupation. During the fiscal year 1911, when there were approximately 2,609,380 acres in rice, the yield was 882,794.13 metric tons of rough rice, *palay,* valued at $30,897,744.50, as compared with 2,980,313 acres and 810,940.70 metric tons in 1910, and 2,890,-362 acres and 747,942.69 metric tons in 1909. The area cultivated in rice in 1911 was 94.5 per cent. of the total areas cultivated in hemp, cocoanuts, sugar, corn and tobacco.[32]

It is commonly stated that the original falling off of the rice crop was due to the destruction of the carabao and the general disorganization of the insurrectionary period, and that in recent years it has been found more profitable to raise sugar and some other kinds of crops. It is certainly true that the production of rice is influenced by the demand for labor in other lines and that rice is neglected when hemp, sugar and copra bring high prices. But the failure to increase the acreage is due primarily to the primitive methods of planting and harvesting and the slowness with which machinery has been adopted.

Rice is the staple food product of the Philippines. With a little fish and a few vegetables, it constitutes practically the entire food of a great majority of the people. Formerly, when the rice crops failed the community faced famine; but this has been to some extent remedied by the production of other kinds of crops and the improved facilities for communication between different localities.

The method of planting is that which for centuries has been

[32] *Rice Culture in the Philippines,* by C. M. Connor, assistant director of the Bureau of Agriculture, Manila, 1912; "Modern Rice Culture," by W. J. Boudreau, *Farmers' Bulletin,* No. 3 (1902).

in use in China and Japan.[33] In the lowlands earthen walls about three feet high are built so as to make enclosed plots of ground of an acre or more in extent so that a large rice field resembles a checker-board. After the rains commence and the ground within these retaining walls is covered with water, it is broken with a primitive sort of plow with a single iron point, drawn by a carabao, and then puddled with a rake until it is a bed of soft mud. Into this the small rice plants which have been sprouted in seed beds are stuck by hand. This is often done by organized bands working to the rhythm of music supplied by some expert on the banjo who is perched on the retaining wall. By the time the rains have ceased the plants are well grown and able to carry on the battle with the weeds. When the harvest time comes the heads are cut off one at a time with knives or, if possible, with a sickle. The grain is threshed by being trampled under the feet of men, horses, or cattle, and the unhusked rice, called *palay,* is winnowed by a sort of fan, or by being tossed into the air after being pounded in wooden mortars.

Threshing machines operated on a toll basis are now used to some extent and there are a few rice mills with modern machinery in the heavy rice producing districts.

What is called upland or mountain rice is raised on the tablelands and where the ground is too rolling to be flooded. The native methods of cultivation and harvesting are the same as on the level lands except for the devices for holding the water. The ground might be plowed, planted and cultivated exactly as wheat is in the United States.

The Igorots and other mountain tribes terrace the hillsides and raise their rice on the irrigated shelves thus artificially constructed.[34]

[33] See F. H. King's *Farmers of Forty Centuries,* Chap. XII, pp. 270 *et seq.*

[34] Of the Ifugaos, Worcester says ("Non-Christian Tribes of Northern Luzon," *Phil. Jour. of Science,* Oct., 1906): "Their agriculture is little short of wonderful, and no one who has seen their dry stone dams, their irrigating ditches running for miles along precipitous hillsides, and their irrigated terraces extending for thousands of feet up the mountain sides can fail to be impressed. . . . I know of no more impressive example of primitive engineering than the terraced mountain sides of Nueva Vizcaya."

Ever since the insurrection the Philippines have imported about one-third of the rice required for food purposes.[35]

The experiments carried on by the government on its rice farm show conclusively that there is no reason why the islands should not raise at least all the rice required for food. By the use of proper machinery and the expenditure of reasonable energy the crop may be increased almost indefinitely, and, with irrigation, one, two or even three crops per year are assured.

It would seem to the uninitiated that irrigation would be unnecessary in a country with an average rainfall of 2,400 mm. But it is not properly distributed with reference to time and place. Excessive rains are liable to be followed by excessively dry months.

Rice is usually planted and gets its early growth in standing water, and during the droughts, which are not uncommon, much of it perishes. With irrigation several crops could be raised each year, and instead of importing rice from Saigon, the country would soon be exporting it to China. The sugar crop and many other of the agricultural products could also be greatly increased.

The irrigation work is designed exclusively for the improvement of agriculture. So far it has been very disappointing. Because of the inexperience of the engineers and the adoption of an unnecessarily complicated system, nothing very substantial has been accomplished. In fact, the Igorots and their neighbors in the mountains appear to be the only real irrigation experts in the Philippines, and their terraced lands are among the sights of the East.

In many parts of the lowlands the Spaniards and Filipinos had, from time immemorial, maintained primitive irrigation systems, and the friars had extensive irrigation works on some of the estates which were sold to the government which have been repaired and maintained.

The greater part of the cultivated lands on the islands lies

[35] Upon the outbreak of the European war in 1914 France prohibited the exportation of rice from Saigon. The restriction was removed in favor of the Philippine government, which imported large quantities and sold it in the islands.

between the coasts and the mountains, and during the heavy rains the waters which rush out of the mountain gorges and flood the plains soon disappear, leaving the ground to bake during the dry season.

Irrigation in such a country seems very simple when compared with that of India, Egypt and the western part of the United States. Nevertheless, it has its own difficulties. Fifteen years ago experienced irrigation engineers were not common, even in the United States. Unlike England, we had nothing resembling the India service to draw on, and they had to be developed as the work progressed. Mr. J. W. Beardsley, the Director of Public Works, was sent to investigate the irrigation systems of India, Java and Egypt, but his elaborate report, while interesting, was of little practical value.[36]

The first irrigation law enacted was unsound in principle and proved unworkable in practise. Its principal features were the reimbursable fund and the consent of the landowners to the institution of an irrigation system.[37] Two hundred and fifty thousand dollars was appropriated for work under this law.[38] On June 13, 1908, the legislature passed the act[39] under which the government attempted to work until the enactment of the elaborate Irrigation Law of 1912, which is now in force.[40]

The law of June 13, 1908, provided a standing annual appropriation of three hundred and seventy-five thousand dollars to create a "special permanent fund" for the promotion, establishment and maintenance of irrigation systems. The superintendent of irrigation was directed to report to the secretary of commerce and police "a plan adequate for the establishment of an economical and complete system of irrigation for all the Philippine Islands." If the plan was approved, the secretary should order "that the works be begun at once."

[36] *Preliminary Report on Irrigation in Java* (Manila, 1909).
[37] Act No. 1688, Aug. 11, 1908.
[38] Act No. 1837, May 29, 1908.
[39] Act No. 1854, June 13, 1908. For a summary of this and the preceding legislation, see Report Director Public Works (*Rept. Phil. Com.*, 1908, Pt. II, p. 470).
[40] Act No. 2152, Feb. 6, 1912.

The weakest point of this very unsatisfactory law was the requirement that the initiative for systems effecting private property should come from the landowners. The money was made allotable by the secretary. Upon receipt of a request from any provincial board, *barrio,* municipality, or any "group of neighborhoods" interested in obtaining a portion of this fund, together with the promise to pay an equitable rate for the use of the water in such quantity as would reimburse the government for the cost of the irrigation work within a given number of years, not to exceed twenty, the secretary, if satisfied with the conditions, was required to direct the preparation of plans and have the probable costs determined and proceed with the construction of the system. When completed it should be operated "for the benefit of the landowners" under proper rules and regulations which should fix the price of the water. Unpaid dues were made a lien on the land of the users, collectible in the same manner as taxes. After the government had been reimbursed, the charge for water was required to be reduced to an amount sufficient to pay operating expenses and maintenance.

The details for putting this law into operation were worked out by a committee which was appointed by the secretary, and on the recommendation of this committee considerable investigation was done of various projects.

Lessons drawn from the irrigation experiences of the British in India and Egypt are liable to be misleading when applied to the Philippines. The conditions are very dissimilar. The Philippine government was without the power to borrow money by a bond issue and had to rely on what it could scrimp out of its current income.

The plan adopted proved unworkable. It probably would have been better to have appropriated the money for the construction of irrigation systems and gone ahead slowly with the funds available without reference to the consent of the landowners, taxing the cost as a special assessment on the lands benefited and selling the water to the landowners at a price which would pay operating expenses and maintenance, and ultimately return

the capital invested. This would have been practical, economical and effective and by this time, if our engineers had not made too many mistakes, the government would have had something to show for the money expended.[41]

But it was thought best not to impose even so desirable a burden upon the landowners without their consent. The reimbursable fund plan, while theoretically perfect, is so complicated that it is difficult to work it out in a country such as the Philippines.

The method adopted did not meet with the approval of the natives and it imposed innumerable administrative troubles upon the ordinary engineering difficulties. As Sir Auckland Colvin once said: "It is easier to lay out or correct a system of canal action than to deal with the spirit of froward men and with intricacies of law and procedure." Our administration has had to contend with the engineering difficulties, an unsatisfactory law and the froward spirits of ignorant farmers and self-serving local politicians, in combination.

Before any money could be spent for construction work, the secretary of commerce and police was obliged to see that provision was made for the reimbursement of the government and this could only be done by securing contracts with the landowners to use the water. It was thought that if contracts were secured with the owners of seventy-five per cent. of the land included in the project, it would be safe to infer that the rest would take the water when the opportunity was presented.

Early in 1909, acting under this law, the government entered into a contract with the *Compañia General de Tabacos de Fili-*

[41] The irrigation systems of Egypt and India were built with borrowed money. "The main principle, that railways and irrigation works in India may wisely and without financial danger be constructed with borrowed money, has been consistently carried out." See Strachey's *India, Its Administration and Progress,* p. 244. The India irrigation system has cost over thirty-five million pounds and it is estimated that each year the value of the crops raised by canal irrigation is equal to four-fifths of the total capital expenditure which has been incurred upon the canals. Fuller, *The Empire of India,* p. 314 (1913). The policy of borrowing money with which to build irrigation systems has been equally successful in Egypt. Lord Cromer (*Modern Egypt,* Vol. II, p. 464) says: "I have no hesitation in saying that the expenditure of this one million eight hundred thousand pounds on irrigation and drainage has contributed probably more than any one cause to the comparative prosperity that the country now enjoys."

pinas to construct a modern irrigation system on its rice lands in the province of Tarlac. Unfortunately, within a few days of the opening of this system, a flood washed away the main dam and with it a goodly portion of the reimbursable fund. The engineers had acted hastily and constructed the dam without sufficient knowledge of conditions and the plans had to be revised and a new start made under another contract with the company.

In the meantime considerable progress had been made on a large project in the province of Pangasinan. The Agno River was to be dammed at the point where it flowed out of the mountain gorge and the water thus collected distributed over several thousand acres of valuable and highly cultivated land. Probably a dozen good-sized towns and several small private irrigation systems were included in this area. At first the people accepted the idea with enthusiasm and by the time the surveys, specifications and estimates were completed, the owners of about fifty per cent. of the land had signed contracts to use and pay for the water. Then there came a sudden loss of interest and no further signatures could be secured. The engineers were in despair. Investigation disclosed that the people had been induced, by certain local politicians, to believe that the project was a deep laid scheme of the Americans to deprive them of their lands.

We had now to deal with the froward spirits of men. The people had to be educated. As a preliminary move the governor of the province, the *presidentes* and counselors of the towns, and many of the leading citizens were induced to take an excursion to San Maguil, Tarlac, and see what a modern irrigation system looked like. The results were very satisfactory. The lukewarm local officials, finding that the government was in earnest, became the enthusiastic advocates of the scheme. Immediately thereafter the writer, with a party of about a dozen officials, spent a week in the province addressing public meetings and explaining what the government was trying to do and what the irrigation system would mean for the province. The people were ignorant, but intelligent enough and wide awake to their own interests. They wanted to know particularly what it would cost and what would

become of the various privately owned little systems which were already in operation. One old *tao* refused to sign a contract to use the water until he learned whether his carabaos would be allowed to swim in the big ditch. Others were interested in the fishery rights which they supposed would be developed. When told that with irrigation he could raise two and even three crops of rice each year one weary farmer replied that it was work enough to raise one crop.

That week spent in the dusty villages under the palms on the great plains of Pangasinan, during the hot and dry season, will not soon be forgotten. But it was worth the effort. The people were converted, the froward spirits were laid, and then, in the moment of triumph,—the San Maguil dam was washed away and the engineers reported that they were afraid to proceed with the Agno dam without further investigation.[42] There, according to the last reports, the matter rests.

The defects of the law were recognized even by its authors and a revised law was passed by the commission in the spring of 1910, but rejected by the assembly. Two years later the entire subject of water rights and irrigation was provided for by the elaborate statute which is now in force.[43] It is a decided improvement on the prior law. The government was thoroughly committed to the reimbursable fund theory and it had to be embodied in this law. But under the present law the initiative is taken by the government and when the secretary of commerce and police decides that the construction of a project is advisable, he gives public notice, and unless the owners of one-half the

[42] A certain well-known Manila character established a reputation by ending a speech at a public hearing before the commission with the remark that "in the East just as you are about to put something over, some d—— thing always happens."

[43] Act No. 2152, Feb. 6, 1912. The history of this statute illustrates methods of legislation in the Philippines. The original draft of the bill was prepared by the Irrigation Committee, but it was very considerably modified before being passed by the commission at the special session in Baguio in 1910. After the legislature adjourned I selected three Filipino deputies, who were also lawyers, and had them working on the bill for several months. This bill, after being carefully revised by Mr. Forbes and myself, was introduced into the assembly by Mr. Mercado and thereafter known as an Assembly Bill and a product of native legislative capacity. Its passage was finally secured with the greatest difficulty.

irrigable lands or three-fourths of the owners of such land file objections within ninety days, the work of construction proceeds. From a practical standpoint, this is a decided advantage because the lethargy of the people is thrown into the scales on the side of progress.

However, nothing seems as yet to have been accomplished under this law other than the very important work of investigation of local conditions. Soon after its enactment the government found itself facing a probable deficit in the treasury and most of the money which had accumulated in the irrigation fund was reverted to the treasury.[44]

The common people of the East have always been the patient victims of the usurer and the Filipinos, like the Ryots of India, and the Fellaheen of Egypt, had been accustomed to pay from two per cent. to twenty per cent. per month for small loans with the privilege reserved to the lender to purchase the crops at a ridiculously low price fixed in advance.[45] During Spanish times many unsuccessful attempts were made to find a way by which agriculturists could secure loans at reasonable rates upon their lands and crops. The Spanish Code of Commerce contains liberal provisions for the establishment of agricultural banks on the debenture plan and the charter of the Spanish Filipino Bank authorized it to make real estate loans under certain restrictions. The demand for some kind of a land-mortgage bank was universal. The report of the Schurman Commission declared that "the lack of proper capital and the high prices asked for loans constitutes another obstacle which stupefies industry,

[44] "The development of irrigation in the islands continues slowly. Experience has amply demonstrated the unwisdom of sinking large sums of money in irrigation systems in the Philippines before the most exhaustive investigations have been made as to rainfall and the geological structure of the proposed location, and such investigation ought properly to cover considerable periods of time." Report of Acting Governor-General Gilbert for the fiscal year 1913.

[45] An attempt in 1912 to pass a usury law was defeated in the Philippine Assembly. Recently the legislature has passed a usury law (Act No. 2655) which the commission calls unsatisfactory but believes "to be a material advance in the solution of this complex problem." *Report Phil. Com.*, 1915. The problem was rendered "complex" by the number of usurers or representatives of such who occupied seats in the legislature.

augments the cost of production, and restrains, in consequence, its benefits." In its second annual report the United States Commission recommended congressional action to encourage the creation of an agricultural bank by private enterprise.

In 1906 Mr. E. W. Kemmerer was sent to Egypt to investigate the workings of the Agricultural Bank of Egypt, which had then been in operation for four years. In his report Mr. Kemmerer recommended the creation in the Philippines of a mortgage bank with a private capital of two million dollars, with a government guarantee of four per cent. dividends on the capital stock and the right to the services of the provincial and municipal treasurers as its local representatives.[46]

Congress, after various hearings before its committees, conferred the necessary authority upon the commission,[47] but private capital was not forthcoming, and finally the Agricultural Bank of the Philippine Government was established with a capital of five hundred thousand dollars.[48] It was purely a government institution, to be administered by a board composed of the secretary of finance and justice, the insular treasurer, and three citizens appointed by the governor-general. It was authorized to make loans to persons or corporations engaged in agricultural pursuits "for the payment or satisfaction of incumbrances on agricultural lands, for the construction of drainage and irrigation works, and for the purchase of fertilizers, agricultural seeds, machinery, implements and animals, to be used exclusively by the borrower for agricultural purposes," secured by mortgage on unincumbered, improved urban or agricultural land and "on crops already harvested, gathered and stored," and duly insured. A subsequent law permitted loans for the repair, as well as main-

[46] See *The Agricultural Bank of Egypt,* by E. W. Kemmerer, 1906, and his preliminary report on the *Advisability of Establishing an Agricultural Bank in the Philippines,* dated Feb. 7, 1905. These two reports and the papers printed in connection therewith contain much valuable information about the Agricultural Bank of Egypt and the various cooperative associations which had proved so successful in Europe.

[47] Act of March 4, 1907.

[48] Act No. 1865, June 18, 1908. See the *Report of the Secretary of Finance and Justice* of Oct. 26, 1908.

tenance, of drainage and irrigation works and otherwise extended the scope of the phrase agricultural purposes. The maximum rate of interest was fixed at ten per cent. per annum.

The bank opened for business October 1, 1908, and during the succeeding nine months of the fiscal year 1908 it loaned $27,725 to twenty-three applicants. Out of 417 applications 196 were refused because of defective titles. During the fiscal year 1910 only eighty-nine loans, amounting $114,500, were made, and Secretary Araneta said that, in view of the pressure that had been exerted for the creation of the bank, "it is somewhat discouraging to note the little business done." During 1911 the rate of interest was reduced to eight per cent., but, in the report for that year, it was stated that the "transactions of the Agricultural Bank show little, if any, improvement over last year." However, during the year 1913 the business improved and loans amounting to $514,325 were made.

The capital of the bank was then exhausted, and as the treasury was not in a condition to increase it, the bank was designated as an official depository for the provincial treasurers, and $584,-580 was taken over, twenty per cent. of which was made available for loans.[49] It thus required five years for the bank to loan its capital of five hundred thousand dollars and accumulated surplus.[50]

Notwithstanding the popular demand for the creation of such an institution, the Filipinos were slow in taking advantage of the opportunities offered. The Agricultural Bank of Egypt, during the first four years of its existence, loaned more than thirty-five million dollars in amounts averaging about one hundred and fifty dollars each. But in order to do so, it was necessary for repre-

[49] In order to increase the banking facilities in the provinces the agencies are authorized to receive deposits upon which interest of from 3 per cent. to 3½ per cent. is paid. This money is merely deposited in the large commercial banks, from which the same rate of interest is received.

[50] The Agricultural Bank competes with the Postal Service Bank for deposits and loans. During the calendar year 1914 the bank loaned $697,875; during 1915, $565,789. On January 1, 1916, there were outstanding loans amounting to $2,541,280. Interest amounting to $33,562.48 was in default. Report Secretary Commerce and Justice. *Rept. Phil. Com.*, 1915.

sentatives of the bank to take the actual gold and go among the people soliciting loans.

The slow growth of the bank in the Philippines was due to the condition of land titles. Probably the majority of the small landowners are not able to prove a record title, but they and their ancestors have generally lived on the land long enough to establish a title by prescription. The registrations under the Torrens Law have been slow, due to the lack of funds and the indisposition of the small landowners to take the trouble to have their titles registered. It was thought that a requirement that the Agricultural Bank should loan only on registered titles would protect the government from loss and at the same time encourage registration, but the difficulties in the way of registration limited the operations of the bank. There have been practically no losses. The average size of the loans is much larger than is customary in Egypt. The very small land holders and the large sugar growers have borrowed most of the money. The Agricultural Bank has now been absorbed by the Philippine National Bank, an institution controlled by the government.

Left to his own initiative, the Filipino seldom leaves the neighborhood in which he was born. Certain districts are densely populated while near by land suitable for cultivation remains unoccupied. In 1913 the government, for the purpose of encouraging the dissemination of the population and the increase of the rice crop, appropriated two hundred thousand dollars to be used in establishing agricultural colonies on public lands. The most interesting of the experiments under this law are the mixed Moro and Filipino colonies on the Cotabato River in Mindanao. Approximately one thousand families nearly equally divided between the Moros and Christians gathered from the congested districts are attempting to answer the question whether Christian and Mohammedan Filipinos can live harmoniously together.

Another interesting experiment is being tried at Momungan on the same island. In 1912 all the civilian employees of the quartermaster's corps were replaced by an enlisted personnel. Many Americans were thus left stranded in the islands. Quite

a number had married Filipino women and had no desire to leave the country. The condition of these men was pitiable. There is no place in the social and economic organization of the country for Americans of that class and the government, under the law authorizing agricultural colonies, established them on public lands at Momungan, where they will have an opportunity to work out their own salvations under the control of the Bureau of Agriculture.

The outstanding fact of the Philippine economic situation is the backwardness of agriculture. The construction of railroads and highways has not been followed by the expected rapid agricultural development. The government has done everything possible.[51] Much special legislation has been enacted for the benefit of the farmers. The Agricultural Bank enabled them to borrow money on easy terms and at reasonable rates. Financial aid has been given the sugar planters and government endowed sugar centrals are being provided for the cane growers. Notwithstanding the ravages of rinderpest there are a reasonable number of carabao available for agricultural work. A better organized labor system, increased ambition for personal well-being, and a great deal more energy, and nothing else, will bring permanent prosperity to the Filipino farmers and remove the blight of inadequate production from the country.

[51] "A healthy sign of the times is the rapid formation, under stimulus from the Bureau of Agriculture, of cooperative agricultural societies, of which there are now 29 provincial and 295 municipal organizations. Above all, the meeting of the first Farmers' Congress, from August 21 to 28, 1915, in Manila, is significant of great progress. At the present time it may perhaps be suggested that these agricultural meetings are apt to lean too heavily upon the advantages of government aid rather than self-aid, but a very positive benefit will result from these frequent meetings and conferences. The government is doing everything it legitimately can, and for which the necessary funds can be provided, to meet the requests and necessities of the farmers. During the past two years laws have been passed for the formation of rural credit associations, for the founding of a government bank with special credit facilities for the agriculturists, for the hastening of the work of the cadastral survey, for the reform of the irrigation and water-right laws, for the rapid building and extension of the road system, for the grading and classifying of hemp for export, for the regulation and betterment of the export of cigars to the United States, for improvements in the locust and rinderpest laws, and for the organization and operation with government aid of sugar and copra centrals. And yet all of these laws will be of but little effect unless the people themselves will cooperate and take advantage of them." *Report Governor-General,* July 1, 1916.

CHAPTER XVIII

Policies and Personnel

Attitude of the Public—Visiting Statesmen—Misinformation—Declared Republican Policy—Executive Statements—Approval Thereof by Congress—The Most Difficult of all Possible Policies—Time Necessary for Its Success—Failure to Control Local Situation—Changing Officials—The American Employees—Filipinoism of the Service.

The government which has been described in the preceding chapters remained under the control of its creators for a decade and a half, and until a change of administration in the United States threw it into the hands of the political party which was committed in a general way to the so-called anti-imperialist theories. During that time it was in the hands of its friends and while twelve years is a very short period in the life of a country, it was long enough to enable the policy to be fairly well tested.

Absorbed in domestic affairs, the general public of the United States gave very little serious consideration to the details of what was occurring in the far-away islands. The great mass of the people considered the question as having been settled, for their generation at least. They had approved the McKinley policy and were willing that it should be given a fair trial. In the meantime, so long as there was no serious fighting with the natives, they refused to become excited over the details of administration.

The attitude of the Democratic party continued to be that of opposition if not hostility.[1] For a time everything done by the Philippine government was viewed with extreme suspicion. Gradually, however, the indisputable facts of order and increasing material prosperity forced the reluctant admission from all

[1] It will be understood that there were many Democrats and many Republicans who were not in sympathy with the Philippine policy of their party.

but the extreme radicals that the altruistic experiment had every prospect of being successful.

It seemed difficult to get reliable information as to the actual situation in the distant land. Various members of Congress visited the islands at different times during the early years of the occupation for the purpose of "learning the truth on the ground," and most of them claimed to have found the evidence which they deemed sufficient to justify the opinions and judgments which they had formed before leaving their homes.[2] With equal opportunities for observation, men of equally honest minds reached contrary conclusions. One congressman found the Filipinos "nothing but savages with a thin veneer of civilization"; another believed that the country was simply "swarming with latent George Washingtons" awaiting the beneficent rays of democracy to burst into bloom.

Some of the distinguished visitors who represented the opposition delivered public addresses in Manila which were exceedingly eulogistic of the Filipinos and occasionally commendatory of the American officials and their work. Without exceptions, however, they appear to have returned to their places in Congress, or on the lecture platform, confirmed in their original views. Although such visits have a certain value, it is doubtful whether even those most desirous of learning the truth acquire much accurate information with reference to the real conditions in the islands, and the opinions and characteristics of any Filipinos, other than their hospitable entertainers. Of course, it is the "obvious Orient" only that transient visitors see, and what is obvious in the East is seldom true. When one of the most distinguished of American scholars and historians, after a visit to Manila, could write in the year 1910 that "the assembly is

[2] In 1905 a large party of members of both houses of Congress under the chaperonage of the secretary of war, visited the Philippines and conducted a somewhat elaborate investigation into conditions. The public sessions were devoted to the consideration of political, economic and commercial matters. While the visitors acquired much information about the country, it is doubtful whether the opinions of any were changed. Each one saw what he came to see. See the *Report of Public Hearings on Proposed Reduction of Tariff*, August, 1905 (Pamphlet, Manila, 1905).

the only legislative body in the islands," and that the commission has never found it necessary to veto any of the laws passed by the assembly, it is not surprising that less qualified investigators occasionally absorbed questionable information as to the nature of the government.[3] Only the newcomer and the passing traveler feel certain that they have possessed themselves of the soul of the East and are willing to dogmatize about its people and its future. In fact there is no better way of cultivating the seeds of modesty than by carefully comparing the opinions and judgments entertained after a few days or months spent in the Philippines with those held after several years of labor and close contact with the people. Verily, as Lord Curzon has said, "The East is a university in which the scholar never takes a degree."

Those most familiar with the Orient agree that special correspondents, visiting statesmen and publicists from home always acquire a great amount of erroneous or half-true information, particularly with reference to conditions other than physical. With rare exceptions the casual visitor has neither the knowledge of alien races nor the breadth of view to enable him to grasp the significance of what he sees. This is certainly true of the average American who has spent his life in an environment dominated by ideas essentially provincial. He is certain to measure everything by the home standards and to reason from the premise that all human beings are controlled by the same reasons and influenced by the same motives. And some of the many writers, American and English, who have favored the public with their views on the Philippines, it must be sorrowfully admitted, suggest Kipling's famous "Pagett M. P.," who,—"a liar and a fluent liar therewith,"—visited India in winter and "spoke of the heat of India as the Asian solar myth." After being entertained, fêted and feasted by individuals skilled in the art of selection, they assumed to speak with high authority on the strength of having

[3] The above comments do not of course apply to the secretaries of war and chiefs of the Bureau of Insular Affairs who have visited the Philippines. Secretary Taft visited the islands in 1905, and again in 1907. Secretary Dickinson spent about two months there in 1910, and his *Special Report to the President* on conditions at that time is one of the best ever made.

"seen things with their own eyes." After being carefully insulated, informed and coached, Pagett M. P. returned to the homeland and his entertainer wrote,

"And I laughed as I drove from the station, but the mirth died out on my lips
As I thought of the fools like Pagett who write of their Eastern Trips."

Just a suspicion of such things may at times have flitted through the minds of certain Filipinos as well as American administrators in the Philippines.

It has been said that the efficiency of the Philippine government suffered because of the lack of a definite policy. But there never was any excuse for misunderstanding the policy of the Taft régime. The trouble was that the local community always refused to take seriously the statement that the Americans are in the islands primarily for the benefit of the Filipinos and for the purpose of training them to govern themselves. To the American who had gone into business in Manila it seemed inconceivable that the United States "would ever be so foolish as to withdraw from the islands." The persistent demand for the declaration of a definite policy meant that Congress should declare that the United States does not intend to withdraw from the islands or that independence is not a question for the consideration of the present generation,—the exact reverse of the policy which in 1916 was expressed by Congress in the preamble to the Jones Bill.

I have elsewhere described the situation and stated somewhat in detail the reasons which induced President McKinley to demand the cession to the United States of the Philippine Archipelago.[4] At the close of the Spanish War, Cuba, Porto Rico and the Philippines were treated as separate and distinct propositions. The statement made in connection with the declaration of war against Spain, that the United States had no desire to acquire

[4] Elliott, *The Philippines: To the End of the Military Régime,* Chaps. XIII, XIV.

territory by conquest, was literally true, but neither it nor the joint resolution of Congress of April 20, 1898, demanding that Spain withdraw from the island, had any relation to the Philippines. The situation which led to the acquisition of the islands grew logically, if unexpectedly, out of the war. When these declarations of policy were made Cuba only was in the mind of the president and Congress. The United States refused to accept sovereignty over Cuba even temporarily, when it was urged upon her by Spain and permitted the Cubans to organize a republic subject to the restrictions imposed by the Platt Amendment to the Army Appropriation Bill of March 2, 1901, which was merely a legislative adoption of Secretary Root's instructions to General Leonard Wood, the military governor, of February 9, 1901.[5] The Cuban relation was established with comparatively little difficulty although its permanency is still a matter of uncertainty.

Porto Rico was to remain permanently a possession of the United States and her problems are being slowly worked out on the theory that she will in time be a regularly organized territory with possible statehood as the ultimate goal.

Entirely different principles were applied to the Philippines. By reason of its location Cuba would have been a valuable addition to the United States. The remote Philippine Islands, with their troublesome natives and potentially entangling Oriental relations, were of doubtful value and but for the obligations which resulted from the destruction of Spanish power, to the Filipinos themselves and to the world at large, we may assume that they would have been left to their own devices. The United States put aside the acquisition which would unquestionably have been advantageous and at the promptings of high duty assumed responsibility for what was certain to be a source of infinite trouble and annoyance.

When the Schurman Commission was appointed, in 1898, the United States had not been committed to any definite Philippine policy. Nothing had then been settled other than that Spain

[5] See Root, *Military and Colonial Policy of the United States,* pp. 185, 219-221.

should cede the islands to the United States, which was free to grant them independence, establish a protectorate over them, give them a colonial form of government, organize them as a territory, or even admit them into the Union as a state.[6] The acceptance by the administration of the views expressed by that commission that the Filipinos were not prepared to govern themselves, settled the question of independence for the time and made it necessary to devise some form of government under American control. During the negotiations which the Schurman Commission carried on with the representatives of the insurgents, Secretary Hay outlined a government under which, pending the action of Congress, the people would have the largest measure of self-government consistent with the maintenance of peace and order. It provided for a governor-general appointed by the president, an independent judiciary, a cabinet appointed by the governor-general, and a general advisory council elected by the people. But this was not satisfactory to the Filipinos, who had established a government at Malolos, and the war continued.

The idea of building a government about a commission was worked out after Elihu Root became secretary of war, and the principles upon which it was founded were set forth in the instructions to the Taft Commission. No careful student of that document can have any misconception of the views then entertained by the American government, or as to the principles upon which it intended to act. All subsequent proclamations and formal statements were merely amplifications of these instructions.[7] Reduced to the lowest terms, their import was embodied in the famous phrase, the Philippines for the Filipinos, under a government based on American as distinguished from Spanish principles.

The Taft Commission was charged with the duty of organizing such a government, and this it did under the direction of Sec-

[6] See Schurman, *Filipino Affairs,* p. 4; Elliott, *The Philippines: To the End of the Military Régime,* p. 450.

[7] See Elliott, *The Philippines: To the End of the Military Régime,* Chap. XVIII, pp. 497-503.

retary Root as the representative of the president. The gradual establishment of local governments, the vesting of legislative power in the commission, the elimination of military government, the institution of a central civil government, the large participation of the Filipinos in the work of the departments, and the final creation of the assembly, have already been described. Every act of the administration accentuated the idea that the government existed primarily for the benefit of the natives and but incidentally for Americans. The United States asked no compensation for its services; it collected no taxes for its own benefit.

The country was made one great school,—a political and industrial laboratory,—for the education of a backward and undeveloped people who by participation in the government were to be trained to govern themselves. Of course it was expected that the contemplated development of the material resources of the islands would prove financially advantageous to Americans as well as Filipinos, but it was made perfectly clear from the beginning that in commercial and industrial as well as political matters, the first consideration was the welfare of the natives. Extreme personal consideration was shown the Filipinos as individuals and they were made as conspicuous as possible in the local administration. There was no place in the new scheme of things for either the American exploiter or the advocate of immediate independence. Naturally, therefore, neither the radical Americans nor Filipinos were satisfied with the policy: the former, because it restricted their business operations; and the latter, because it postponed indefinitely the day of their freedom from American control, and deprived the present generation of the offices, dignities and emoluments which would be theirs under an independent state.

The complete success of this policy meant the final elimination of America from the situation. President McKinley, Secretary Root, and Mr. Taft, as civil governor, secretary of war, and president, were perfectly frank in announcing a policy of which this seemed to be the logical result. During the whole of the Taft

régime, which extended from the institution of civil government in 1901 to the inauguration of President Wilson in 1913, it was constantly being restated.[8] Its essence was the maintenance of law and order, the reasonable conservation of the public resources, the material and economic development of the country, the education of the whole people and their training for self-government. It denied their present preparation for independence or even for complete internal self-government, but granted an ever-increasing participation in every part of the work of the government. It implied complete self-government and, ultimately, independence should the people, when educated sufficiently to enable them to form an intelligent opinion, desire it.[9] In the words of Mr. Root, its purpose was to "set the people on the path of ordered liberty and competency for self-government."

In his *Autobiography,* Colonel Roosevelt, speaking of the policy of his administration, says:[10]

"As regards the Philippines, my belief was that we should train them for self-government as rapidly as possible, and then leave them free to decide their own fate. I did not believe in setting the time limit within which we would give them independence, because I did not believe it wise to try to forecast how soon they would be fit for self-government, and once having

[8] Governor-General Harrison in his inaugural address merely restated the policy of his predecessors, and added thereto the reference to early independence. That part only of the address was new.

[9] For the difference between this and the colonial policy of other countries, see Elliott, *The Philippines: To the End of the Military Régime,* Introduction.

The object of France in Morocco as stated by General Lyautey is "To bring to the country the maximum of progress, of security, of social and economic development; to make of Morocco in every way a great state with modern equipment, by utilizing the wonderful resources of her people, who are intelligent, laborious and open to all practical innovations; but, on the other hand, to allow the country to develop according to its own genius, scrupulously respecting its customs, its law, its traditions, its religion, and leaving intact the great ancestral influences which have spontaneously come to the assistance of the French, maintaining positions that have been won in the social hierarchy; in a word, leaving men and things in their places and carefully abstaining from dividing against itself the house of Moroccan society, which has hitherto rested on firm foundations." *North Am. Rev.,* February, 1917.

It will be noted that there is no place in this program for political education.

[10] P. 543.

made the promise I would have felt that it was imperative to keep it."

This policy, of course, denied the right of the small group of Filipinos who had previously dominated and exploited the common people, or the young men who had assumed control of the anti-American movement, to speak for the entire people on the question of independence. It meant the continuance of American control for an indefinite time, but with constantly increasing Filipino participation in the government.

"We accepted the Philippines," said President McKinley, "from high duty in the interest of their inhabitants and for humanity and civilization. Our sacrifices were with this high motive. We want to improve the condition of the inhabitants, securing them peace, liberty, and the pursuit of their highest good.

"The Philippines are ours, not to exploit, but to develop, to civilize, to educate, to train in the science of self-government. This is the path of duty which we must follow or be recreant to a mighty trust committed to us."

After this general policy had been declared somewhat in detail in the Instructions to the commission, the president informed the Congress that, "We shall continue as we have begun, to open the schools and the churches, to set the courts in operation, to foster trade and agriculture, and in every way in our power to make these people whom Providence has brought within our jurisdiction feel that *it is their liberty and not our power, their welfare and not our gain,* we are seeking to enhance."

An address made by Governor Taft in Manila in December, 1903, not only emphasized the policy of the administration but throws such a flood of light on the situation as to justify extensive quotation.

"From the beginning to the end of the state papers which were circulated in these islands as authoritative expressions of the executive, the motto that 'The Philippines are for the Filipinos' and that the Government of the United States is here for the purpose

of preserving the 'Philippines for the Filipinos' for their benefit, for their elevation, for their civilization, again and again and again appear. . . .

"Some of our young lions of the local press have spoken of the 'childish slogan,' 'The Philippines for the Filipinos.' It is unnecessary to comment on the adjective used, but it is sufficient to say that, whether childish or not, the principle makes up the web and the woof of the policy of the United States with respect to these islands as it has been authoritatively declared by two Presidents of the United States—for President Roosevelt has followed sedulously the policy of President McKinley—and by the interpretation of the supreme popular will, the Congress of the United States.

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"The doctrine as interpreted in the light of these authoritative declarations *assumes that the Filipino people are of future capacity but not of present fitness* for self-government, and that they may be taught by the gradual extension of self-government to exercise the conservative self-restraints without which popular government is impossible. . . .

"The doctrine *does not include, necessarily,* the independence of the Filipino, nor any particular degree of autonomy. It is entirely consistent with the principle to object to an immediate extension of popular government on the ground that we are going too fast for the political digestion of the people, and that it is not, therefore, for their good. Whether an autonomy or independence or quasi independence shall ultimately follow in these islands *ought to depend solely on the question, Is it best for the Filipino people and their welfare?* . . .

"I think I have demonstrated by what I have quoted and the instances I have cited that the doctrine 'The Philippines for the Filipinos' is one which the honor of the United States requires it to enforce throughout these islands. Not only was it promised to the Filipinos when the Americans came, after they had been here, during the insurrection, and at its close, but I do not think it too much to say that the reiteration of the promises as shown in legislation carrying out these principles had much to do with bringing about the present tranquillity in these islands. . . . There are many Americans in these islands, possibly a majority, and this includes all the American press, who are strongly opposed to the doctrine of 'The Philippines for the Filipinos.' They

have no patience with the policy of attraction, no patience with attempts to conciliate the Filipino people, no patience with the introduction into the government as rapidly as their fitness justifies of the prominent Filipinos. They resent everything in the government that is not American. They insist that there is a necessity for a firm government here rather than a popular one, and that the welfare of Americans and American trade should be regarded as paramount. It is possible to trace the history of the formation of these views. . . . With the lack of logic, so characteristic of human nature, the merchant who finds hard times coming on, the business man whose profits are not so great, looks about for a scapegoat and an explanation, and he finds it in the wicked civil government which has been encouraging the natives as far as it could; has been taking the native into the government as far as he seemed fitted; is doing what it can to elevate the Filipino people and provide for their welfare, and has not taken the American merchant under its especial wing."

In his message of December 6, 1904, President Roosevelt said:

"We are endeavoring to develop the natives themselves so that they shall take an ever-increasing share in their own government, and as far as is prudent we are already admitting their representatives to a governmental equality with our own. . . . If they show that they are capable of electing a legislature which in its turn is capable of taking a sane and efficient part in the actual work of government, *they can rest assured that a full and increasing measure of recognition will be given them.*"

Again, in 1906, in contemplation of the institution of the assembly, the president said:

"We are constantly increasing the measure of liberty accorded the islanders, and next spring, if conditions warrant, we shall take a great stride forward in testing their capacity for self-government by summoning the first Filipino legislative assembly; and the way in which they stand this test will largely determine whether the self-government thus granted will be increased or decreased; for if we have erred at all in the Philippines it has been in proceeding too rapidly in the direction of granting a large measure of self-government."

In 1908 President Roosevelt said:

"The Filipino people, through their officials, are therefore making real steps in the direction of self-government. I hope and believe that these steps mark the beginning of a course which will continue *till the Filipinos become fit to decide for themselves whether they desire to be an independent nation.* . . . I trust that within a generation the time will arrive when the Filipinos can decide for themselves whether it is well for them to become independent or to continue under the protection of a strong and disinterested power able to guarantee to the islands order at home and protection from foreign invasion."

Mr. Taft, while secretary of war, said:

"When they have learned the principles of successful popular self-government from a gradually enlarged experience therein, we can discuss the question whether independence is what they desire . . . or whether they prefer the retention of a closer association with the country which, by its guidance, has unselfishly led them on to better conditions."

In his address at the opening of the Philippine Legislature, in 1907, Secretary Taft said:

"The avowed policy of the National Administration under these two presidents has been, and is, to govern the islands, having regard to the interest and welfare of the Filipino people, and by the spread of primary, general and industrial education and by practise in partial political control to fit the people themselves to maintain a stable and well-ordered government affording equality of right and opportunity to all citizens. The policy looks to the improvement of the people both industrially and in self-governing capacity. As this policy of extending control continues, it must logically reduce and finally end the sovereignty of the United States in the islands, unless it shall seem wise to the American and the Filipino peoples, on account of mutually beneficial trade relations and possible advantages to the islands in their foreign relations, that the bond shall not be completely severed."

And in his special report to President Roosevelt, on his return from his last visit to the islands, Secretary Taft said:

"The conditions in the islands to-day vindicate and justify that policy. It necessarily involves in its ultimate conclusion, as the steps forward become greater and greater, the ultimate independence of the islands: although, of course, if both the United States and the islands were to conclude, after complete self-government were possible, that it would be mutually beneficial to continue a governmental relation between them like that between England and Australia, there would be nothing inconsistent with the present policy in such a result. . . . If the American Government can only remain in the islands long enough to educate the entire people, to give them a language which enables them to come in contact with modern civilization, and to extend to them from time to time additional political rights, so that by the exercise of them they shall learn the use and responsibilities necessary to their proper exercise, independence can be granted with entire safety to the people."[11]

Many additional quotations of the same general tenor might be made from the messages, speeches and writings of the men who formulated and were engaged in executing the Philippine policy of the American government.[12] As Secretary Garrison says, "Perhaps it was very unwise to have said it," but it was said too frequently to leave any doubt as to the intentions of the executive department of the government.

When Congress enacted the Civil Government Law of July 1, 1902, it expressly approved the policy outlined in the Instructions to the commission and all that had been done thereunder.

President Wilson adopted the general policy of his predecessor, but applied very different administrative methods. His adminis-

[11] These and many other statements were collected by Secretary of War Garrison for the purpose of proving that the Jones Bill was merely another step along the road laid out by his predecessors. See *Hearings, Senate Committee,* 1915, p. 633. See also Mr. Taft's *Statement* and extracts from his speeches, *Ibid.,* pp. 363, 420.

[12] For other statements of the policy, see Root, *Military and Colonial Policy of the United States,* pp. 27, 98; Olcott, *Life of William McKinley,* II, pp. 96, 166-172, 193; Thayer, *Life of John Hay,* II, pp. 198, 199; Roosevelt, *Autobiography,* pp. 543-546; Elliott, *The Philippines: To the End of the Military Régime,* pp. 53-60, 486-503.

tration assumed to be even more altruistic than those of his predecessors, and it certainly moved more rapidly along the particular route surveyed by Osmeña and Quezon. It was down grade and the administration apparently removed the brakes, stood to one side, and trusted Providence and the Filipinos to prevent a crash.

The Taft administration succeeded admirably in everything but controlling the local political agitation.[13] Why did it lose control of the Filipinos? The critics of the policy included those who favored immediate withdrawal from the islands, those who urged a declaration that the occupation was permanent, those who urged the immediate grant of greater and additional powers to the Filipinos, and those who believed that important powers had been granted prematurely before the qualifications as well as the disposition of the people toward the United States had been demonstrated. During recent years the first two groups were negligible, the third in political opposition, and the fourth, although in sympathy with the general policy, did not approve of the methods employed for making it effective.

The great majority of the Americans in the service of the Philippine government believed that the political phase of the situation was permitted to be made too prominent, and that there was serious danger that it would force the premature withdrawal of American control.

It must not be forgotten that the McKinley administration adopted the most difficult of all possible courses then open to it. The grant of either more or less power to the Filipinos would have made the work of the administration less difficult. Absolute American control would have been comparatively easy. The grant of full political control under American protection would have presented fewer intricate problems. But neither course would have produced the results which President McKinley and his advisers sought. The addition of political training to the ordinary colonial educational curriculum added enormously to the difficulties of administration. It was easy enough to announce an enlightened and altruistic program, but it required the highest

[13] Of course the opposition claimed that any control was wrong.

political skill to control a situation which must be constantly changing while held in solution for a period long enough to secure the desired results.

To grant just so much political power and influence to an ambitious and eager group of people and request them to wait and see whether its exercise agreed with them, resembled permitting a hungry boy to take one bite of a piece of gingerbread and telling him to preserve the rest of it with all its fragrance about him until the doctor could ascertain whether his digestive apparatus was working properly. We would expect the boy to be restless during the period of waiting and to try and convince the doctor of the folly of delay. He would probably be willing to take the chances of indigestion.

The Taft policy was based on the assumption that it would require from one to two generations to prepare the Filipinos to operate successfully a popular government such as had been outlined for them. Therefore, as time was an essential element of the problem, the administration could not afford to have its hand forced. If the work was not to be finished it had better never have been begun on such broad lines. It was absolutely necessary, in addition to giving the Filipinos a good government, *to keep them satisfied with the conditions during the time required for their education and training.* That, apparently, we failed to do.

The loss of control over the political conduct of the Filipinos and the consequent shortening of the period necessary for proper preparation for self-government was due to some extent to the attitude of the administration and the higher American officials toward the Filipinos as individuals and to the premature grant to them of an equal share in legislation.

Assuming that several decades were necessary for the policy to ripen and produce the expected fruits, no one should have been left in doubt as to who was in control in the meantime. The Filipinos were not Americans; they were not even Anglo-Saxons. Those most familiar with the Malays say that, while they are extremely persistent, they accept an ultimatum with perfect good

humor from one who has power to enforce it. Uncertainty they construe in their own way. It was this characteristic which Sir Frank Swettenham had in mind when he prophesied that there would be no trouble in the Philippines "if the controlling power made it clear *from the start* that it meant *to control,* and not only to advise and educate."[14]

I am afraid we proceeded on the assumption that in the dark there is no difference between a Filipino and a Yankee, and that in our desire to impress the natives with our friendship and the altruistic side of our work we permitted them to overlook the fact that our functions were much more than advisory.

Undoubtedly the attitude of the higher American officials toward the Filipinos was such as to cultivate unduly their self-esteem and generate premature ambitions. Exaggerated deference, much of it palpably insincere, was shown the Filipino leaders. Every effort possible was made to secure their good will and cooperation, and this of course was good policy as well as the manifestation of proper feeling. The evil lay in the fact that it was so often grossly overdone. The Filipinos were constantly flattered and jollied and there was a trifle too much of the glad hand. When they did good work they were commended in exaggerated terms; when the work was not good the much needed corrective criticism was too often omitted. The results of Filipino work under American direction were heralded as evidences of their capacity and qualifications, and due allowance was seldom made for the assistance they had received from their American mentors.

The Filipinos took this sort of commendation very seriously. Teachers tell us that Filipino pupils seem unable to measure properly the language of praise and commendation. When a bright boy is informed that his essay is first-class he is liable to assume that it is the equal of the work of the great masters of literature because he knows that even Shakespeare could not produce anything entitled to rank higher than first-class. Words

[14] Sir Frank Swettenham to Consul-General Pratt, 1898, *Sen. Doc. 62,* 55th Cong., 3rd Sess., Pt. I, p. 493.

of praise are accepted in their literal sense, but criticism is often resented or ignored as coming from those unable to appreciate the qualities of their race.

Governor Taft announced that no one could hold office in the Philippines who did not accept the doctrine of the Philippines for the Filipinos, and subordinate officials and employees soon learned that unless they worked harmoniously with the Filipinos they were liable to find themselves separated from the service. To the natural desire to be courteous to a courteous people was thus added the promptings of self-interest, and probably no people were ever so "by flatterers besieged."

Occasionally, however, the matter was so overdone that it was resented. Legarda, who, as a firm friend of the Americans, was always treated with great consideration, while one of the resident commissioners at Washington, wrote a confidential letter to a Filipino friend in Manila in which he referred to enjoying "the obsequious attentions of Mr. Forbes."[15] The friendly intentions of the governor had been misconstrued. The incident is instructive. It is certain that there was a good deal of this feeling among the more intelligent Filipinos and that a little more firmness and straightforwardness when dealing with individuals would have increased the prestige and hence the influence of the American officials.

The phrase, the Philippines for the Filipinos, was thus perverted from its proper meaning and made to imply the denial to Americans of any rightful place in the islands. This had gone so far that Governor-General Wright's declaration of a policy of equal rights and opportunities for both Filipinos and Americans created something of a storm.

From the accession of Governor-General Smith until the close of the Forbes administration the strength of the Nationalist party grew steadily, with a corresponding decrease in the feeling of loyalty toward America.[16] The transfer of Wright to Japan

[15] *Manila Times,* April 22, 1911.

[16] The apparent enthusiasm for President Wilson and his representative was due entirely to belief in their willingness to accede to all Filipino demands.

was understood to be a concession to the demands of the Filipinos. It is possible that the mishandling of the Batangas situation and particularly the ill-advised arrest and unsuccessful prosecution of a member of a prominent mestizo family (for which Wright was not personally responsible) made his retirement advisable. But if so he should, if possible, have been succeeded by a man of similar caliber. It was a time in the history of the American administration when it was necessary to make very clear the intention either to govern the country or retire and let the Filipinos manage what they assumed to be their own affairs.

The situation required the firm hand of a man whose capacity and power, as well as sense of justice, were recognized by the Filipinos. It is much to be regretted that the administration did not see its way clear to detail Leonard Wood from the army and make him governor-general in succession to Wright. It could not have been construed as a return to military government. General Wood was a student of colonial affairs, familiar with the theories and methods of other colonial powers, and experienced in administrative work. He understood and appreciated the nature of the work that the American government was trying to do and the place of the experiment in the history of tropical colonization. His career in Cuba had demonstrated his energy and skill as an administrator, and the prestige of his military rank and reputation would have added greatly to his ability to accomplish things in the Philippines.

But the position of chief executive seems to have been almost forced upon the secretary of public instruction on the theory, evidently, that he would be able, by good nature and compromise, to prevent the crew from taking possession of the ship. It was during his administration that the systematic development of the natural resources of the country was seriously commenced, but from the day of his inauguration until his departure Governor-General Smith seems to have been concerned chiefly with the task of getting his resignation accepted and retiring before something happened.

Smith's successor strengthened the government on one side, but was unable to check the movement which was so dangerous to the success of the administration policy. Forbes was well qualified to manage and develop a great estate. He had some of the qualities essential for a successful chief executive. He understood modern business methods, but knew very little about governing a people. His character was a peculiar combination of strength and weakness. He was energetic and resourceful in devising plans for the development of the country. With arbitrary power, unlimited money and the requisite time at command, he would have made a magnificent estate out of the Philippines. But he did not have the special qualifications required for the successful administration of the government of the Philippines at the time when it was absolutely essential to gain the good will and support of the native people. The policy of material development which he made so prominent was fairly well supported by the natives, but the approval of the leading politicians was reluctantly given. They, with good cause, feared its influence on the independence propaganda in which they were primarily interested. Forbes had been widely advertised as a man familiar with large business enterprises, and the Filipinos were disposed to regard him as the advance agent of the awful American trusts which the anti-Imperialists said were seeking to devour them and their heritage. The idea was carefully cultivated that his administration was extravagant, that the public money was being wasted, and color of truth was given the charge by the unfortunate financial difficulties in which the administration became involved. As a result, projects which required large expenditure of money were often looked on with suspicion, and an infinite amount of explanation and persuasion was required to secure the approval thereof by the assembly.

The Nationalists now had their campaign for independence well under way and opposition to whatever the governor-general desired, regardless of merit, seemed to be a part of their party policy.

Thus, while the administration was busy with projects which

required at least a generation to produce tangible results, the Filipino politicians were undermining the whole American position. They criticized and abused the administration, while the governor-general cajoled, flattered and dickered with the leaders and strove to win the approval of the people by a show of great deference toward Osmeña and the members of the assembly.[17] It is perfectly certain that by the end of the year 1912 conditions were such that it would have been necessary soon either to grant further control over the local government to the Filipinos or check them quite suddenly. As long as Taft was president there would have been no radical changes in the form of government. What the result of the check would have been need not be conjectured because the Wilson administration came in and promptly put the Filipinos in full nominal control of the government.

While the administration was engaged in hustling the East, Congress furnished the East with an agency through which it was enabled to hustle the United States out of the islands.

There seem to have been two controlling ideas in the minds of those who were responsible for creating the assembly. It was known that there was much discontent in the country and that there would certainly be much political agitation. There was to be free speech and a free press and it was thought that there should be a vent for the gas, which, if suppressed, might blow up the machine. Better have open than secret discussions of dangerous topics.

[17] An aide was said to have been severely reprimanded for asking Speaker Osmeña to call at the governor-general's office instead of informing him that the governor-general would call at the speaker's room. The situation at that time suggests the days of Sir Elden Gorst in Egypt. Fyfe (*The New Spirit of Egypt*, p. 184) quotes an Egyptian as saying: "Lord Cromer used to send word, 'I shall come at a certain hour.' At that hour all the [Egyptian] secretaries and officials got behind their desks and bent their heads over their work, appearing to be very busy. The Khedive would be ready to the minute, rather nervous, hoping that all would be well and the visit soon over. Not until it was over did the palace breathe freely again. Now, what a difference! Sir Elden Gorst sends to inquire what time the Khedive will be pleased to receive him. He enters and finds the officials lounging about, talking and laughing. He talks and laughs with them. Then after being kept waiting a while, he goes in to the Khedive, who assumes an air of condescension. When he leaves the palace rubs its hands and chuckles, gleefully, contrasting the present with the past." This, says Fyfe, "is a humorous, exaggerated way of stating the case, but it is based on reality."

The other was that in no other way could the people be so rapidly trained in the art of self-government as by active participation through their elective representatives in the principal law-making body. This was sound doctrine if the time had arrived for that particular sort of training. In fact, however, there was no necessity for training a class of men such as those who would compose the membership of the assembly. It was the mass of the common people who required training and the place to train them was in the subordinate governments—the provinces and municipalities. The question was whether, as conditions were at that time, the assembly would or would not aid in the work of preparing the people for self-government. The Filipinos already had full representation in the legislative body, the commission, in the Supreme Court and in the departments and bureaus, and it was immaterial for the time being whether they were elected or appointed. From the point of view of the Filipinos the assembly has conclusively demonstrated *the qualifications of the people* for self-government. Its work has been extravagantly praised in order to justify its existence and lay a foundation for the demand for an elective Senate. After giving the assembly credit for much good work, it is questionable at least whether it would not have been better for the country to have postponed its creation for at least another decade. There was nothing in the history of such legislative bodies to suggest that the balanced situation thereby created could be maintained for the necessary period. It certainly invited and encouraged the demand for immediate independence. And, as Sir George Cornwall Lewis said:

"Unless the dominant country should be prepared to concede virtual independence, it ought carefully to avoid encouraging the people of the dependency to advance pretentions which nothing short of independence can satisfy. If a dominant country grants to a dependency popular institutions and professes to allow it to exercise self-government, without being prepared to treat it as virtually independent, the dominant country by such conduct only mocks its dependency with the semblance of political institutions

without their reality. It is no genuine concession to grant to a dependency the names and forms and machinery of popular institutions unless the dominant country will permit these institutions to bear the meaning which they possess in an independent community; nor do such apparent concessions produce any benefit to the dependency, but, on the contrary, they sow the seeds of political dissensions, and perhaps of insurrection and wars which would not otherwise arise."[18]

Having deliberately created such conditions, it was incumbent on the administration to handle it with great care and delicacy.

Although the frequent changes in the higher personnel of the government introduced the personal equation into local affairs to an undesirable extent, they had little effect upon the general policy of the administration.[19] Some of the changes were detrimental to the service being brought about, it is feared, by unworthy intrigues due to the personal jealousies and antagonisms which seem always to develop under such circumstances. Unfortunately neither the governor-general nor the members of the commission were appointed for definite terms and all were sub-

[18] *The Government of Dependencies,* Lucas' Ed., p. 307.

[19] When in 1904 Mr. Taft was called to Washington to become secretary of war in the cabinet of President Roosevelt, he was succeeded as civil governor by Luke E. Wright, who had been commissioner and secretary of commerce and police since the organization of that department. After two years' service as governor-general Wright was replaced by Henry C. Ide, then commissioner and secretary of finance and justice, who was permitted to serve as chief executive for about six months. Dean C. Worcester, who had been a member of the Schurman Commission also, and secretary of the interior, was passed over and the governor-generalship given to James F. Smith, who had been successively a brigadier-general of volunteer, collector of customs, justice of the Supreme Court of the Philippines, commissioner, and secretary of public instruction. Smith served as governor-general until October, 1909, when at his urgent request he was permitted to resign. These men each served as chief executive on an average of less than two years. Smith's successor, W. Cameron Forbes, had been a member of the commission and secretary of commerce and police. Forbes remained in office until after the inauguration of President Wilson, when he was replaced by Francis Burton Harrison, of New York, who is now in office.

Changes in the membership of the commission were also numerous during this period. When Wright became governor-general he was succeeded as commissioner and secretary by Forbes. Ide was succeeded as commissioner by Smith, who made way for W. Morgan Shuster, who had served as collector of customs. Forbes was succeeded as commissioner and secretary of commerce and police by Charles B. Elliott, who was transferred from the Supreme Court, and Shuster by Newton W. Gilbert, who was acting governor-general for nearly a year before Forbes retired. See Appendix H.

ject to removal without notice or cause at the will of the president. Such a situation was a standing invitation to the ever present disaffected element to organize opposition and to carry unfounded stories to Washington. After the departure of Taft the Filipinos proceeded on the theory that the removal of a governor-general could be brought about by making the president believe that he was no longer *persona grata* to them and that therefore his usefulness had been destroyed. In my judgment Wright was by far the best of Taft's successors, but it was commonly understood that his transfer to the embassy at Tokio was induced by Filipino opposition. Governor-General Ide was also a very efficient man, but for reasons which have never been made clear he was required to resign at the end of six months, although his services had apparently been satisfactory to all elements of the community. Smith never desired to be governor-general. Forbes had not been in office six months before the native papers were vilifying him and a systematic campaign had been commenced by the Filipinos to have him removed from office which continued until given its quietus by Secretary Dickinson during his visit to the islands in the summer of 1910. All this unnecessary friction with its resulting injury to the service would have been avoided had the governor-general and commissioners been given definite terms of office such as the British government gives similar officials in India and their dominions and colonies.

America entered upon the work in the Philippines without men trained in colonial administration. An effort was made to supply the deficiencies in the subordinate officials by establishing what became a very efficient civil service. But neither the governor-general nor members of the commission were affected by the civil service or subject to its restrictions or protection.

A sincere and successful effort was made to prevent the Philippine service from becoming entangled in the politics of the home country. The members of the original commission were selected by President McKinley without reference to their political affiliations and an absolutely non-partisan policy was pursued

by President Roosevelt and President Taft. It was the principle which Cromwell announced for the government of England. "The State in choosing men to serve it takes no notice of their opinions; if they be willing faithfully to serve it that satisfies." The abandonment of this policy by President Wilson is greatly to be regretted. Before March 4, 1913, no person in the Philippine government service had been appointed or removed because of his party affiliations or party services. Governor-General Wright, Governor-General Smith and Commissioner Branagan were Democrats in good standing. Forbes was understood to be a representative of the type who find it very difficult to discover the location of a polling place on election day. Worcester and Moses were young college professors without apparent political affiliations. Ide was a Vermont Republican. The members of the supreme and inferior courts were selected and retained without the slightest reference to politics. It is understood that the majority of them were Democrats. One member of the Supreme Court promoted from a lower court by President Roosevelt on the recommendation of Secretary Taft was an enthusiastic follower of Bryan. There was a tendency on the part of certain party opponents of the administration to deny the genuineness of the democracy of these men because they accepted office in the Philippines from a Republican administration, a theory of duty which would make partisanship a necessary qualification for colonial service. The preponderance of Democrats in the subordinate offices was probably due to the fact that many young officers of the volunteer regiments from the southern states when mustered out elected to remain in the islands and enter the service of the Philippine government. They were mostly members of the Democratic party, but they regarded themselves as non-partisan appointees and served the government loyally without reference to their private views or home politics.

The young men and women who were working in the islands came from all walks in life and from every grade of American society. The great majority were young college folk who were desirous of seeing something of the world while earning a liv-

ing and getting a start in life. From the first the service attracted a number of wealthy young men, graduates of Yale, Harvard and similar institutions, who were ambitious to render service to the country. The teachers particularly were inspired with the altruistic spirit and eager to aid in the educational and political missionary work in which the government was engaged.

Among so many government employees there were, of course, some weaklings who were unable to sustain the strain imposed by the abnormal conditions and resist the manifold temptations to which they were subjected. It was indeed a severe test and the wonder is that so few, comparatively, fell away from the paths of rectitude and honest living. For a time it was difficult to secure suitable persons to fill the many positions and serious mistakes were made in many instances. The government had to use the material which was at hand and some of it proved of inferior quality. The numerous defalcations by the early American provincial and municipal treasurers was a sad object-lesson for the Filipinos who were being asked to place themselves in tutelage to a superior race. But defaulters were prosecuted and punished without mercy. So strict indeed was the government in this respect that the idea soon prevailed among the Americans that any malicious Filipino could secure the discharge and punishment of an American by simply charging him with misconduct. As the war-time confusion passed away and better men were obtained through the operation of the civil service law, the defalcations practically ceased, and during recent years the Americans in the service of the Philippine government have maintained a standard of duty as high as that prevailing in any service in the world.

While the call of the East is strong and insistent and the life and work in the Philippines is interesting, it has its reverse side. In fact, the lot of the American men and women who were serving their country on the other side of the world has not always been an enviable one. The business men particularly found it hard and generally unprofitable. The government did not aid them as the British, German, Dutch and French colonial govern-

ments assist those engaged in business in their colonies. With the best of good will, government assistance to American business was restricted by the necessity for protecting the natives from exploitation. For that purpose the land, mining and corporation laws were so framed as to make the transaction of business by a man accustomed to American methods difficult and generally unprofitable. Not until after Forbes became the chief executive was it found possible for the government and the American and European business element to work in entire harmony.

In the early days the majority of business men were out of sympathy with the policy of the government. As Taft has said, "We had to fight the military and we had to fight the business men." But the type of business men improved. Men like Charles M. Swift, who built the Manila electric street railway and the Philippine railway, and Major P. G. Eastwick, who for years was the manager of the International Banking Corporation, worked loyally with the administration and are entitled to much credit for their part in building up the country.

Governors-general and commissioners could come and go, but the ordinary civil servant soon found himself tied to the country by chains of circumstance. Although he knew that under the policy of the government it was all temporary, he easily convinced himself that *his* position at least was permanent; that he belonged to the generation which was not to see independence. So he purchased a home, and awoke one day to the chilling fact that his Filipino understudy was ready to take over his position.

The difficulty was that the service offered no permanent career and there was no provision for the last years of life. For the man who had youth, imagination and perspective the life for a few years was fascinating, and it grasped some so firmly that escape seemed hopeless. Many, after having heard the mysterious call of the East, were never able to cast off its spell. To all there came a time of uneasy questionings:

> "Has he learnt how thy honors are rated
> Has he cast his accounts in thy school,
> With the sweets of authority sated
> Would he give up his throne to be cool?"

And then came disillusionment:

"Thou hast racked him with duns and diseases
And he lies as thy scorching winds blow,
Recollecting old England's sea breezes,
On his back in a lone bungalow;
As the slow coming darkness repining,
How he girds at the sun till it sets,
As he marks the long shadows declining
O'er the Land of Regrets."[20]

Then he sent in his resignation and returned to the States and soon thereafter was seeking reinstatement.

During the Taft régime there was a steady but gradual substitution of Filipinos for Americans, but it extended upward slowly.[21] At its close the majority of the higher offices were still filled by Americans, upon whom rested the duty of supervision and control. In writing of the Philippine service I have

[20] Lyall's *Verses Written in India.*

[21] It was the settled policy to proceed as rapidly as the good of the service would permit in increasing the number of Filipino government employees. For several years it was necessary to use Americans in many subordinate positions, but these were gradually replaced by Filipinos. After his 1907 visit to the islands Secretary Taft wrote that "in many bureaus the progress of Filipinos to the most responsible places is necessarily slow and the proportion of them to be found in positions of high salaries is not as large as it ought to be in the near future. The winnowing out process, however, is steadily reducing the American employés in the civil service."

At that time there were 3,902 Filipinos and 2,616 American employees. Three years later there were 4,639 Filipinos and 2,633 Americans. In 1907, the average salary of Americans was $1,504.06; and of Filipinos, $419.46. In 1910 the average American salary was $1,665.29; and Filipino, $463.12. On July 1, 1915, there were 1,935 Americans and 7,881 Filipinos in the civil service. The average American salary was then $1,899.50 and the Filipino, $499.09. July 1, 1916, there were 1,836 Americans in the classified service, of whom 555 were teachers, 213 constabulary officers, 219 patrolmen, firemen and prison guards, 112 civil engineers, surveyors and draftsmen, and 68 scientific and medical men. *Rept. Phil. Com.* 1915.

It was necessary to pay the Americans higher salaries than was paid Filipinos doing similar work. They were far from home, it cost them much more to live, and they were able to do more work. But the averages stated above are liable to mislead because of high salaries paid a few Americans. The Filipinos always protested against the apparent discrimination. American officials and employees have not been overpaid and they have rendered full value for the money paid them out of the Philippine treasury. The number of Americans who for various reasons retired from the service during the first year of the Harrison administration was not greater than during some earlier years, but it included an unusual number of highly trained and well-paid men.

used the past tense. Recent changes in the laws and methods of administration demonstrate that it will soon be a thing of the past. It was the removal or forced resignation of men high in the service by the Wilson administration that stirred the deep waters. Commissioners, heads of departments, and bureau chiefs, the men who for years had been responsible for the success of the government, were by various methods forced out of the service. Filipinos have been placed at the head of the university, the Philippine General Hospital, the Bureau of Lands, the Bureau of Agriculture, and the Executive Bureau. Some of the new men were incompetent and all of them were much less efficient than their predecessors.

The directing power was thus transferred to the Filipinos. Few Americans of the higher class will serve in subordinate offices under Filipino chiefs. Other methods of forcing Americans out were occasionally employed. Thus the resignation of the experienced and efficient director of the Bureau of Education was secured by the appointment of a Filipino, personally obnoxious, as his first assistant. Much general dissatisfaction resulted and the service has lost its attraction for Americans. They no longer have the sense of being engaged in a great and inspiring enterprise. They feel that they are simply holding temporary positions in a foreign country while better jobs are available at home. Apparently the life and spirit have gone out of the service.

The fact is that the Filipinos back of the Harrison administration were determined to eliminate the Americans as rapidly as possible. They were even willing to pay liberally for voluntary resignations and devised an ingenious system of rewards for those who were willing to retire. So the legislature passed a law[22] which authorized "a gratuity by reason of retirements" to officers and employees who had rendered satisfactory services during six continuous years or more. Under this law the governor-general was authorized to approve the retirements of any officers or employees in the civil service except those who were detailed from the army and navy or civil service of the United States and

[22] Act No. 2589, February 4, 1916.

those who were receiving a pension or retirement pay from the government of the United States, who had served six years or more, who made application therefor before the first day of July, 1916. All who had served at least ten years would receive three annual equal payments of a sum equal to thirty-three and one-third per cent. of the salary last received, with proportionate amounts for shorter service.

Vacancies resulting from such retirements—except from the positions of a judge, a chief or assistant chief of a bureau, chief clerk or chief of division—were not to be filled, the positions being considered as abolished, subject to the right of the governor-general under certain conditions to authorize at his discretion, in lieu thereof, the revival of such positions as he deemed necessary. Vacancies occasioned in the accepted offices other than judicial might again be filled, but at salaries equal to two-thirds only of that received by the retiring officer.

Many Americans took advantage of this opportunity to get out of a service which was being made untenable for them. As the governor-general was not required to grant an application for retirement at any particular time, the resignations of nearly all the experienced officials were placed in his hands. Even the justices of the Supreme Court, who were appointed by the president with the approval of the Senate and were independent of the governor-general, who accepted the offer thereafter held their commissions subject to his will. Under such conditions there could, of course, be no such thing as an independent judiciary. During the time Forbes was governor-general an action was brought against him personally by certain Chinese to recover large damages for what they claimed to have been illegal deportations, and he was forced to come into the court as a litigant defendant. Should similar conditions arise at present, the governor might appear in court with the resignations of the justices in his pocket which he might accept at his discretion. Such a situation requires no comment.

Only those who have worked with the Americans in the service of the Philippine government can appreciate the extent to which

they have been inspired by unselfish motives. They were a picked body of men and women—in character, high ideals and efficiency far above the personnel of any of our state governments. After making all proper allowances for occasional individual deficiencies and weaknesses, it remains literally true, as said by Roosevelt,[23] that:

"No higher grade of public officials ever handled the affairs of any colony than the public officials who in succession governed the Philippines, with the possible exception of the Sudan, and not even excepting Algiers. I know of no country ruled and administered by men of the white race where that rule and that administration has been exercised so emphatically with an eye singly to the welfare of the natives themselves."

[23] *Autobiography*, p. 544.

CHAPTER XIX

The Independence Movement and the Reorganized Government

Early Ideas of Independence—New Conceptions—Attitude of American Government Toward Independence—First Filipino Political Party—The Radicals and the New Men—Revival of Sentiment—New Political Parties—Growth of Anti-American Sentiment—The Assembly—Leadership of Osmeña and Quezon—The Propaganda in the United States—Mr. Jones and His Bills—The Wilson Administration—Governor-General Harrison and His Policy—Defeat of Clarke Amendment—Passage of Jones Bill—Provisions of the Law—Organizing the New Government—The Future of the Independence Movement.

It is said that once upon a time Thackeray, meeting John Bright in Pall Mall, took off his hat with an uncommon flourish. "Well, what is the matter?" said Bright. "I always feel inclined to take off my hat to you and Cobden," replied Thackeray. "You know just what you want and ask for it. So few of these fellows know what they do want."

The instinct is strong to repeat the flourish and take off the hat to Manuel L. Quezon and Sergio Osmeña: they are men who know exactly what they want and ask for it. They almost succeeded in convincing the Congress of the United States that there is a homogeneous Filipino people, competent to operate an independent state with a popular form of government. They did secure legislation establishing a government which is almost as autonomous as that of Canada. It was under the circumstances a rather remarkable thing to accomplish.

In 1899 there were at least seven million people in the Philippines, of whom about eight hundred thousand were non-Christians. If the assertions of the present native leaders are true, either their predecessors greatly underestimated the number of educated men in the islands at the time of the American occupation or progress during the Taft régime was marvelous indeed.

Filipe Calderon, the distinguished Filipino lawyer and politician, who in 1899 reported a constitution to the Malolos Congress, gave as one reason for providing for a one-house legislature the fact that there might not be enough qualified men in the islands for a legislative body with two chambers.[1]

About five years thereafter a representative Filipino who appeared before the secretary of war and his congressional party expressed the opinion that the islands were ready for independence because there were enough qualified natives to supply two complete sets—relays—of office holders, and that, he believed, was all any country required.

On August 28, 1905, a committee composed of leading Filipinos, some of whom are still active in Nationalist politics, presented a petition to the secretary of war which demonstrated that educated Filipinos who assumed to speak for their countrymen had no proper conception of the meaning of popular government. This interesting document contained the following:[2]

"In spite of the unquestionable political capacity of the Filipino people, the result of their present degree of culture and civilization, that they are in a condition for self-government is denied in varying degrees and forms, though precisely the contrary is demonstrated by facts, experiences and considerations, among which the following deserve mention:

"First. It is an irrefutable fact that the Filipino people are governable; the period of Spanish dominion and of the present American sovereignty bear out this assertion. The political condition of a country principally depends upon the degree of governableness of its people; the more governable the popular classes are the better the political condition of the country.

"When a people such as the Filipinos give signal evidence of their capacity to obey during a period of over three hundred years, free from disturbance or deep political commotions, it must be granted, considering that all things tend to progress, that they

[1] "Filipe G. Calderon and the Malolos Constitution," by Jorge Bocobo, in *The Filipino People* for Sept., 1914.

[2] The petition was signed by Dr. Simeon A. Villa, Baldomero Aguinaldo, Dr. Justo Lukban, Dr. José de la Vina, M. Cuyugan, G. Apacible, Vicente Illustre, Miguel Saragosa, Alberto Barretto, Pablo Ocampo, Antonio E. Escamilla, Enrique Mendiola, Vicente Lukban, and some twenty-five others. See Mr. Taft's statement to the Senate Committee. *Hearings,* etc. (1915), p. 369.

possess the art of government; all the more so because, among other powers, they possess that of assimilation in a marked degree, an assimilativeness which distinguishes them from other people of the Far East.

"Second. If the masses of the people are governable, *a part must necessarily be denominated the directing class,* for as in the march of progress, moral or material, nations do not advance at the same rate, some going forward while others fall behind, so it is with the inhabitants of a country, as observation will prove.

"Third. *If the Philippine Archipelago has a popular governable mass called upon to obey and a directing class charged with the duty of governing, it is in a condition to govern itself.*

"These factors, not counting incidental ones, *are the only two* by which to determine the political capacity of a country—*an entity that knows how to govern,* the directing class, and *an entity that knows how to obey,* the popular masses."

Since that time Filipinos with more modern ideas of government have become prominent. Mr. Manuel L. Quezon, for instance, has spent nearly ten years in the American Congress and probably now has as clear a conception of the American system of government as the average member of that body. The local leaders who have not had his opportunities for observation are without his mental outlook, but they have developed greatly since the time of the presentation of the above petition. It is fair to say that most of the men who are at present prominent in Filipino politics desire to establish a government of a truly representative character. Whether they have the capacity to do so and the material is at hand, that is, whether enough of the people are sufficiently trained to enable them intelligently to participate in the work of popular government, is another and very serious question.

The leaders of the insurrection against Spain and the United States talked much of independence, but only the most impractical had any serious expectation of realizing it at that time. Aguinaldo and his associates knew that if the United States withdrew from the islands at the close of the war, Spain, free from the bur-

den of Cuba, would easily crush the Filipinos. The faint hope at first entertained that the United States would make the abandonment of the Philippines a condition of peace soon faded away and thereafter what Aguinaldo really desired was what the Cubans secured—a *quasi* independent government under American protection. After the ratification of the treaty of peace, the United States never seriously thought of immediately setting up an independent Filipino state. The islands had been acquired by the United States by formal cession from Spain, and she was dealing with her own subjects. Their future *status* was, under the terms of the treaty, to be determined by Congress. For a time at least they were to remain under the American flag. But the germ of the independence idea was not destroyed, it was merely buried in fruitful soil, to be nourished by a liberal policy. The attempt to train the people for self-government on the lines laid down by President McKinley in his Instructions and Secretary Root in his reports as secretary of war, implied belief in their natural capacity for development to a point where they could govern themselves. It was assumed that their present inability was due not to inherent racial incapacity for popular government, but to the lack of education and experience.[3] The republic which the insurgents attempted to establish under the Malolos constitution was Spanish and South American in spirit and substance. Its framers copied their constitution not from the United States, but from continental Europe or South America. Under it the "popular masses" certainly would have constituted "an entity that knows how to obey." The government which President McKinley and Secretary Root framed for them rested on principles of an entirely different character. The Filipinos had not been trained to run that sort of government.

There were in the islands a few Filipinos, almost without exception Spanish or Chinese mestizos, who were reasonably competent to fill any office and perform the duties thereof *according*

[3] See *Reports of the Secretary of War*, 1899, p. 24, 1900, p. 22; Root, *Military and Colonial Policy of the United States*, pp. 161, 239. Elliott, *The Philippines: To the End of the Military Régime*, pp. 497-504.

to the conceptions of government with which they were familiar, but when compared with the total number of inhabitants they were pitiably few. As we have seen, Señor Calderon feared that there were not enough of them to furnish members for a modern legislative body with two houses. If we may imagine for instance that a hundred or so of the best educated and most intelligent men then in the islands had been deported, *no one of the deportees* would for a moment have claimed that the remaining six or seven millions were able to operate an autonomous government such as the McKinley administration had in mind. Of course a country is entitled to the services of its most intelligent men and the supposition of their elimination is merely made for the purpose of showing that any native government then possible would have been an oligarchy and not a popular government.

It was the recognition of this fact that induced President McKinley and his advisers to adopt a policy which was designed *to educate and prepare the masses* for active participation in a popular as distinguished from an oligarchical government. Under such conditions the question of independence was necessarily left in abeyance to be determined at some time in the future, when not only a remnant but a popular majority had been by education and experience prepared for intelligent consideration of the question. From the institution of civil government until the arrival of Governor-General Harrison in September, 1913, the subject of independence was very seldom discussed by the American administrators in the Philippines.[4] It was regarded as not within the sphere of their activities. The official reports of the commission and of the governor-general contain but the briefest references to the independence movement.

No one realized better than President McKinley and Secretary Root that the difficulty with "bringing up an awkward race under the control of a superior," to use Doctor Eliot's expressive phrase, is that there is no natural time limit to the period of tutelage; that they are liable to remain mentally dependent so long

[4] See *supra*, p. 382 *et seq.*

as they are subject to the active control of the superior. It is undoubtedly true that liberty of action is essential to the development of robust character, but regulated liberty is all that civilization permits to any one who enjoys its benefits. A sort of compromise policy was adopted in the Philippines. As unrestricted freedom of political action would then have meant anarchy, a practical plan was devised which involved the very active and real participation of the Filipinos in the government—a participation so large and so loosely controlled as to encourage initiative, test their powers and develop their inherent capacities. They were to be given the opportunity to show what was in them. The great majority of the leading Filipinos, such as Arellano, Legarda, Areneta, Pardo De Tavera, Torres, Mapa, and the commercial class generally, including the English, Swiss, German, Chinese and Spanish business men, were in sympathy with this policy.

From the organization of the insular government the Filipinos were given a substantial part of the work to do, and six years after President Roosevelt's proclamation declaring that general peace had been established, four of the nine members of the commission, three of the seven members of the Supreme Court, one-half of the judges of the courts of first instance, all of the justices of the peace, four of the seven members of the upper house of the legislature, practically all of the provincial and municipal officials, and the great majority of the officers, clerks and employees of the various bureaus, were natives. The Americans were planning, advising and supervising.

The first native political party organized under American rule was a peace party which sought not independence but ultimate admission as a state of the Union,[5] and its members joined with the Americans in their efforts to organize a government adapted to existing conditions in which the natives should have a part, limited only by their abilities.

Present-day Filipinos are disposed to minimize the importance of the old Federal party and to claim that it was composed of "office-holders" only. But the fact is that it included in its mem-

[5] Elliott, *The Philippines: To the End of the Military Régime*, p. 513.

bership substantially all of the men of first importance in the islands, and it was finally submerged because the idea of ultimate statehood received no encouragement from the insular government or from any one in the United States.

During these early years a few irreconcilables, such as Felipe Buencamino, Isabelo de Los Reyes, Ricarte, and other old military leaders, held aloof and continued to nurse the idea of an independent government.

The desire for independence was smoldering under the ashes of the war. Before the insurrection in the provinces was suppressed, certain persons, apparently friendly to the Americans, consulted Governor Taft with reference to organizing a political party favorable to ultimate independence and were informed that so long as there was fighting within a few miles of Manila, there was danger that their motive would be questioned.

The victories of Japan over Russia gave great impetus to the nationalist feeling which was manifesting itself in all the countries of the Far East. India, Egypt, and even Java, felt its influence. It was but natural that its appeal should be strongest to the new generation. In the Philippines a number of patriotic and ambitious young men who had taken but an unimportant, if any, part in the insurrection and who saw place and power for them in a new republic, joined with the radicals and the work of educating the masses to demand independence was commenced under their directions. Like the same class in India and Egypt, these young men imbibed their ideas of political freedom from the text-books placed in their hands by their foreign rulers. They thought in terms of abstract principles and took little account of the qualifying effects of time, place or race. The *pensionados,* the young men who were being educated in the United States at the expense of the Philippine government, almost without exception joined this party, which easily gained control of the Spanish and vernacular press and thus of the means of molding public opinion. The distinguished Filipinos who had accepted office under the American government soon found themselves politically ostra-

cized because of their alleged abandonment of the principles of the revolution.

The provisions for the early creation of the assembly were inserted in the Civil Government Law of 1902 by Americans as a voluntary grant of political power to the natives. The Filipino leaders were prompt to take advantage of the remarkable opportunity thus offered for the cultivation of nationalist sentiment. Their plans were carefully laid and thereafter everything was subordinated to the demand for independence. Every change in government personnel, every appointment to office, every law enacted, was whenever possible used as a stepping-stone toward that goal.

The number of persons engaged in the formulation of this policy and its propaganda was insignificant when compared with the entire population. The common people appreciated the peace, quiet and the justice which had been promised by the Americans. It was necessary first to develop in them a real desire for independence. They must not be permitted to become so well satisfied with existing conditions that the vision of a Filipino republic would have no charms. This required constant and systematic agitation and energetic criticism of the Americans and their government.

A compaign on these lines presented no very formidable difficulties. The raw material was at hand and the conditions were favorable. A Filipino, like a Spanish, constituency is susceptible to emotional and sentimental appeals to a degree unknown among Anglo-Saxons. They love fine phrases and lofty sentiments. The orator, like the actor who strikes a heroic attitude and announces some lofty but self-evident sentiment, such as, "Be good to mother!" is certain of enthusiastic applause from the galleries. When told of their present ability and capacity to run a government, they readily accepted the views of the orator. It was easy to convince the defeated that the victors were remaining in the islands as oppressors. The policy which had been announced of the Philippines for the Filipinos sounded well, but it was so contrary to all their experience with the Spaniards that it was hard

to believe in its sincerity. To the skeptical it seemed too good to be true. As certain American statesmen and publicists were assuring them that they were the victims of oppression it was easy to misrepresent the motives and misconstrue the actions of the government.

Prior to the general election for delegates to the assembly, the popular elections had related to local issues only and had been confined to the provinces and municipalities. The delegates to the new assembly were to have a part in making laws for the entire Christian provinces and on the conspicuous stage on which they were to play, the question of creating a new nation might well be discussed and determined. The political parties which were organized shortly before the first general election, unlike the old Federal party, made independence the principal plank in their platforms. The Federalists believed that the best interests of the islands required that the United States should retain control of the country until the people were prepared to conduct a proper government, and had been supporting the policy of the American administration in which many of their leading members were taking an active part. But the majority of the people had by this time been charmed by the magic word *independencia* and the bold and aggressive policy of the Nationalist party forced the Federalists to change their name to the Progressive party and to modify their platform. The concessions thus made to practical politics did not save the conservatives from defeat, as they elected but fifteen to the Nationalists' sixty-five members of the assembly.[6] The Progressive party has ever since been in the minority and there is reason to question the sincerity of some of the declarations in favor of early independence, which it has from time to time made. At heart the most of its members have favored the continuance of American control for a reasonable period and its exclusion from power has been the very proper reward for its timidity. But its half-hearted adherence did not attract those

[6] This does not represent the proportion of *Progresista* to *Nationalista* voters as in many districts where Nationalist delegates were returned the popular vote was close.

who were really in favor of immediate independence, and it left those who preferred the continuance of American control completely adrift.

The institution of the assembly with a membership outside of the government circle gave a great impulse to the agitation for independence. It furnished a legitimate field upon which the agitators could maneuver and train their legions for further advances upon the government stronghold. Before it was created Filipinos who were ambitious for a public career found it necessary to work with the American government. Thereafter they sought election to the assembly, assumed that they must necessarily be opposed to a government controlled by foreigners and renegade Filipinos, and too often angled for popularity with the constituencies with unreasonable criticism and gross misrepresentation of the administration. The majority of the delegates to the assembly under the strict control and discipline of a political party organization of which Mr. Osmeña, the speaker, was president, thereafter constituted an aggressive Opposition, the chief object of which was to transfer the control of the government from Americans to Filipinos. This opposition was skilfully organized and was carried on in a perfectly legal manner, without malice toward Americans as individuals or as representatives of the United States. From the time when they secured an open legislative forum from which to speak to the world, an equal share in legislation and power to obstruct the policies of the American administrators, the Filipino politicians systematically, skilfully and persistently pushed their campaign. The pressure for office and power was constant. Legislation was enacted or obstructed with that object in view. The appropriations necessary for the support of the government were refused without reason in the hope that the difficulty of the government would influence sentiment in the United States and in Congress. Never for a day did the assembly fail to assert its claim to be the dominant factor in the government. Its speaker asserted and ultimately established a political position recognized officially by Mr. Taft as second only to that of the governor-general. The legislature was

in session but ninety days. The speaker's official work then ceased. For his services he was paid a salary of nine thousand dollars per annum.[7] During the nine months of each year when the legislature was not in session he traveled about the islands frequently at government expense, cementing his political party and cultivating sentiment in favor of an independent government. While this work was being systematically carried on in the islands under the direction of Speaker Osmeña another phase of the campaign had its headquarters at Washington.

The Philippine question which had been the paramount issue in the presidential campaign of 1900 played but a minor part in that of 1904. The second defeat of William Jennings Bryan seemed to put it permanently out of the field as a national issue. The American people generally regarded the problem as solved and turned their attention to other matters. There remained a few of the old anti-imperialists who, faithful to the principle that "nothing is settled until it is settled my way," continued a mild academic fight on the bogy of imperialism. The return of peace, the increasing material prosperity, and the evident contentment of the mass of the Filipino people, were proving them poor prophets. Nothing but the consent of the governed principle remained and it really seemed that the Filipinos were settling down to live comfortably under the American flag.

The first resident commissioners in the United States, Benito Legarda and Pablo Ocampo, were elected before the possibilities of the independence campaign were fully grasped. Legarda was a wealthy mestizo and a loyal friend of the Americans, but he was without personal ambition and soon realized that he was out of sympathy with the new generation. Ocampo was one of the insurgent leaders who had been deported to Guam, but as a resident commissioner he was a negligible factor. A working agreement was soon made between two young members of the first assembly which resulted in Osmeña becoming speaker and president of the Nationalist party and Quezon being sent as one of the resident commissioners to Washington in the place of Ocampo.

[7] This salary was fixed by the assembly, but agreed to by the commission.

Americans soon discovered that Quezon was far superior in intelligence, tact and ability to the ordinary bright Filipino and he was soon the actual as well as the titular head of a compact body of able men who were determined to secure additional power for the Filipinos in the insular government and independence within a very short time. Osmeña and his party were to cultivate and consolidate the sentiment in the islands and incidentally make life miserable for the American administration. Quezon was to work with his American supporters and cultivate sentiment in the United States. In this work he had the benefit of the advice and active assistance of such men as Moorfield Storey, Erving Winslow, J. H. Ralston and many others who had been prominent in the old anti-imperialist movement. In fact, Mr. Quezon seems to have been syndicated and might well have been designated as Quezon, Ltd.

Magazine and newspaper articles and the reports of the officials had convinced the American public that the Philippine government was being well administered and that very important work along educational and industrial lines was being done for the Filipinos. Quezon, who assumed to represent "the Filipino people" instead of the insular government by which he had been elected, undertook to convince Congress and the American public that the official reports were unreliable and the magazines and newspapers subsidized. His attitude and work have been well described by his official secretary.

"Every one knows what the work of the representative has been. Instead of being a peaceful emissary of the good will and complacent gratitude of the Filipino people to America he has been the mouthpiece of Filipino discontent with their present relations with America. He has told the American people that the Filipino people do no want to remain under American sovereignty, that they desire to establish a government of their own which would be more satisfactory to them than the American government could be."

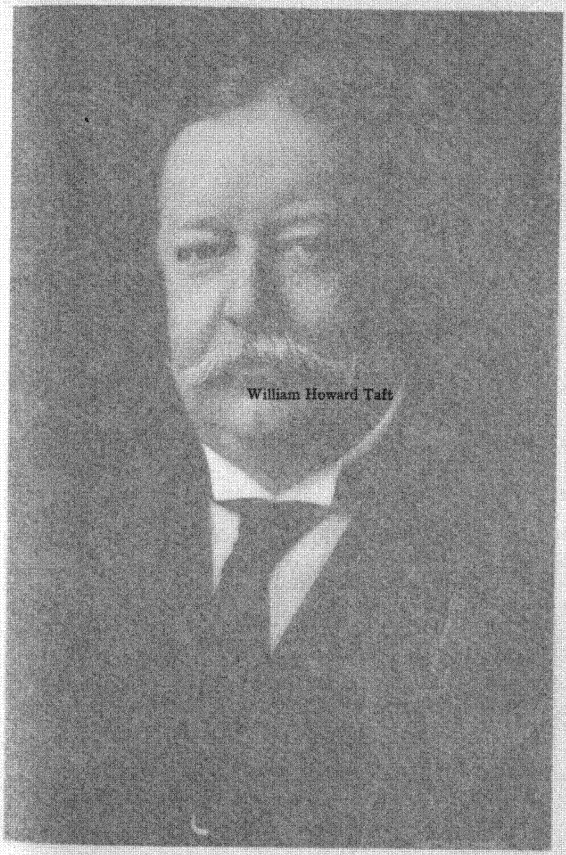
Mr. Quezon was too skilful and subtle openly to criticize the work being done by the United States in the Philippines. He

praised and commended the Americans for what they had accomplished, but his activities were all directed to the end of obstructing the work of the American administration and securing legislation which would eliminate American control. Year after year Congress was bombarded with petitions, resolutions and bills designed to "free" the Filipinos from the disgrace of living under the American flag and being protected by the army and navy of the United States.

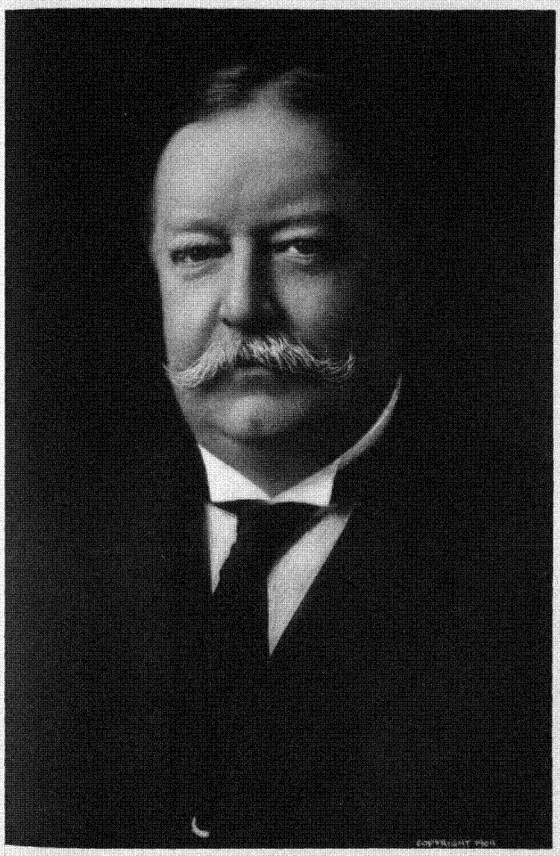
At first the American newspapers were not eager to publish matter relative to Filipino aspirations and it was difficult to get the ear of the public. The Philippine government had spent considerable money trying to arouse interest in the potential wealth and commercial prosperity of the islands. Mr. Quezon and his associates, being fully aware of the effect that this would have on their plans for complete native control of the government, did what they could to counteract such work and discourage American capital from going to the Philippines. The propaganda was very skilfully conducted. Quezon has an attractive personality, is an eloquent speaker, and a pleasant gentleman and he soon established a position of influence in the House of Representatives, of which he was a courtesy member.

As resident commissioner he, in his official capacity, published a magazine in English and Spanish called *The Filipino People,* which was alleged to be "an official medium for expressing the views of the people whose name it bears," designed "to bring about a better understanding in the Philippines and the United States, of the real conditions which exist in both countries." The tone of this magazine was excellent, and it published many valuable articles. The delegate from the Philippines, having his own official magazine in addition to the free use of the *Congressional Record,* was unusually well equipped for securing publicity.

As long as Mr. Taft was president and the Republicans controlled Congress it was impossible to secure any radical legislation for the Philippines. But the elections of 1910 gave the House of Representatives to the Democrats and Mr. W. A. Jones, of Virginia, became the chairman of the House Committee



William Howard Taft


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on Insular Affairs. Mr. Jones was a radical opponent of the policy which the Republicans had pursued in the Philippines and an ardent believer in the justice and propriety of immediately granting the Filipino demand for independence, or at least a more autonomous government.

When the Civil Government Bill of 1902 was before Congress, the Democrats offered a substitute bill which provided for "qualified independence" during eight years after July 4, 1903, and absolute independence thereafter. In 1912 Mr. Jones introduced the first of the bills which became known by his name, in which he provided for independence in 1921. But it was well understood that while Taft was president no such bill could become law, even though passed by Congress. Mr. Kalaw in his interesting book says:[8] "They were then offered a bill without fixed date but with the formal and authoritative statement that independence should be granted when a stable government could be established in the islands. *They* accepted this as a first step in the right direction." We are not informed who is meant by "they," or who with authority made this offer.

The Democratic House of Representatives was in favor of some such legislation, and the Filipino Nationalists were very happy when in 1912 Mr. Wilson was elected president and the Democrats secured control of both houses of Congress. Immediate independence seemed assured. Enthusiastic ratification meetings were held in Manila and the cables were warm with congratulatory messages. The Filipinos by this time had come to regard their old friend President Taft as the immovable rock in the road which led to independence. Mr. Wilson had not given them much encouragement before his election, but his rhetoric and fine humanitarian phrases had a certain savor of Latinism which appealed to them. Much encouragement was found in the new president's apology for America's past territorial growth and in his statement that "if we have had aggressive purposes and covetous ambitions, they were the fruits of our thoughtless youth as a nation and we have put them aside. We shall,

[8] *The Case for the Filipinos*, p. 238.

I confidently believe, never again take another foot of territory by conquest."

Unfortunately the Wilson administration for some unaccountable reason decided to abandon the non-partisan policy which had been followed by McKinley, Roosevelt and Taft and to treat the Philippines as a party matter. No living American knew better than President Wilson, the scholar and historian, the danger involved in treating colonial offices as a part of the spoils of party politics. Evidently the pressure from "deserving Democrats" was too strong to be withstood. The governor-general, the vice-governor and all the members of the commission who had served under the Republican administration were soon forced to resign their offices. Governor-General Forbes had returned to the Philippines after the election in the pleasing illusion evidently that he would be retained in office. But he made the mistake of publicly denouncing Mr. Quezon as a traitor (that is, one who had not supported Mr. Forbes in all things), and to the "traitor" was awarded the privilege of naming a new governor-general. The honor fell to Mr. Francis Burton Harrison, a Virginian by birth and affiliation, the son of Jefferson Davis' private secretary, who for ten years had represented one of the New York City districts in Congress. A Filipino was appointed a member of the commission to fill a vacancy caused by the resignation of an American, thus giving the Filipinos a majority in that body. The other vacancies were filled by Democrats in good party standing but who were without experience in Philippine affairs. Contrary to custom, Mr. Harrison took the oath of office in Washington and thus became governor-general about the time that Mr. Forbes became aware that his successor had been appointed. As a final indignity the secretary of war cabled the retiring governor-general to prepare the Malacañan palace for the use of his successor and Mr. Forbes, in disgust, like John Adams of old refusing to grace the triumph of his successor, sailed away out of Philippine history leaving the vice-governor and the government in a condition of suspended animation.[9] It was reported that while on his way to

[9] The formal telegram of commendation subsequently sent Mr. Forbes reminds one of the honor conferred by the Empress Dowager on the ex-Em-

Manila the new governor-general informed the newspaper men in substance that he was going out as a Democrat and intended to fill the offices with members of his own political party.

Upon his arrival at Manila he went directly to the Luneta and made a speech which was very satisfactory to the Filipinos. Except in the reference to independence there was not an idea in the speech which had not been many times expressed by his predecessors. The Americans, however, were greatly disgusted with his public avowal of the fact that he owed his appointment to Mr. Quezon, whose popularity was then confined to Nationalist circles. In this address which inaugurated the new administration Governor-General Harrison said:

"The President of the United States has charged me to deliver to you the following message on behalf of the government of our country:

"'We regard ourselves as trustees acting not for the advantage of the United States but for the benefit of the people of the Philippine Islands.

"'*Every step we take will be taken with a view to the ultimate independence of the islands and as a preparation for that independence.* And we hope to move towards that end *as rapidly as the safety and the permanent interests of the islands will permit.* After each step taken experience will guide us to the next.

"'The administration will take one step at once and will give to the native citizens of the islands a majority in the appointive commission, and thus in the upper as well as in the lower house of the legislature a majority representation will be secured to them.

"'We do this in the confident hope and expectation that immediate proof will be given, in the action of the commission under the new arrangement, of the political capacity of those native citizens who have already come forward to represent and to lead their people in affairs.'

"This is the message I bear to you from the President of the United States. With his sentiments and with his policy I am in complete accord. Within the scope of my office as governor-general I shall do my utmost to aid in the fulfillment of our promises, confident that we shall thereby hasten the coming of the day

peror Kuang Hsu, whom she had deposed. As an evidence of her consideration and esteem she created him "Duke of Confused Virtue."

of your independence. For my own part I should not have accepted the responsibility of this great office merely for the honor and the power which it confers. My only motive in coming to you is to serve, as well as in me lies, the people of the Philippine Islands. It is my greatest hope that I may become an instrument in the further spread of democratic government."

The new governor-general seems to have assumed that everything connected with the government was wrong and that his first duty was to clean out the Augean stable by getting rid of the Americans who had served under his predecessor. He evidently turned a deaf ear to his own countrymen who might have given disinterested views and sought information and guidance only from Filipinos and a few Americans who for political and personal reasons had been opposed to the persons and policies of the preceding administration. Many Americans were hurriedly removed from office or requested to resign and their positions given to Filipinos. It was a very unfortunate beginning for the new administration and for a while the service was badly demoralized. The Filipinos, who felt that "the day" had arrived, were naturally elated and inclined to be a trifle arrogant. The administration was charged with removing trained and faithful American officials to make way for inefficient and even dishonest native politicians and with wrecking the great constructive work of its predecessors. At the present time there is not a single bureau chief in office who was serving when Mr. Harrison became governor-general, and recently the director of the great Philippine General Hospital was forced to resign, confessedly because of the demands of the Filipino press and politicians,[10] in order to make a place for a much less efficient Filipino physician.

[10] According to Dr. Musgrave, Governor-General Harrison informed him that an investigation had completely exonerated him from charges of arbitrary conduct, but that he must nevertheless resign—*"If I would resign he would guarantee immunity from attack in the Philippine press. . . .* When I refused to resign the governor-general told me that unless I agreed to do so, he could not possibly control the legislature and the native press." Statement of Dr. Musgrave in *Cable News-American,* Oct. 29, 1916.

Dr. Musgrave had been exonerated from a charge of imposing unduly severe discipline upon the hospital nurses and was then informed that it was the psychological moment for him to resign. In an editorial the *Cable News-*

The Koran says that "A ruler who appoints any man to an office when there is in his dominions another man better qualified for it, sins against God and against the state."

As Mr. Harrison was sent to the Philippines to carry out a policy which had been determined upon at Washington and which involved further restrictions on American control in the government and the early elimination of American sovereignty, it may have been inevitable that he should throw himself into the hands of those who were distinctly anti-American in feelings and actions. The destructive policy adopted was understandable only on the theory that at an early date the administration intended to pass the Jones Bill and set up a new Philippine Republic. As a preparation for an early general moving day it was well enough, although it disclosed a serious lack of knowledge of the actual conditions and utter disregard of the rights and feelings of loyal Americans, many of whom, regardless of politics, had given the best years of their lives to what they regarded as a great altruistic service.

Legislation for the Philippines was made a part of the Democratic congressional schedule. The modified Jones Bill was reported favorably by the house committee and languidly debated during the latter part of September, 1914. The American people took little interest in the matter. The attitude of the Republican members of Congress was perfectly consistent with the policy they had pursued during the past decade. They were willing to grant additional powers to the Filipinos, but were opposed to granting independence at this time, or making any express promises to be performed at some future time by their successors. The Democrats were trying to make good their party pledges while denying the immediate independence which so many of the leaders had promised the Filipinos. The majority of the Republicans did not believe that independence would be to the interest of the Filipinos and would not vote for a bill which contained a promise,

American said that his successor should not "be sacrificed as Musgrave has been sacrificed to a yellow press and political jobbery, but supported with courage and decency."

the performance of which would rest on their successors in office. It was true, as Mr. Taft told the Senate committee, that no express promise of independence at any definite time had ever been made by any executive officer of the United States or the Philippine government. But the policy which had been declared and followed during the Taft régime did imply a promise of independence when, in the opinion of Congress, the Filipinos were prepared for it, and Mr. Taft had frequently so stated. The Republicans were not yet willing to transmute this implied into an express promise.

Congress had never spoken on the subject and the Filipinos were pressing for some sort of an expression from the only body which had the power to make a promise effective. While the logic of the Taft policy was clear, they were not willing to trust to logic. They wanted a definite promise *from Congress* because, as Mr. Quezon told the Senate committee, "the logical result of a given policy does not always follow, and efforts are now being made to prevent that logical result from being attained."[11]

In order to comply apparently with this demand and yet dodge the responsibility involved in actually granting independence, the majority affixed to the Jones Bill a preamble which assumed to state the past, present and future intentions of the people of the United States with reference to the Philippines. The Republicans objected to the preamble because it would have no legal force and would increase instead of quiet the agitation for independence which had so injuriously affected conditions in the islands. They criticized certain features of the proposed law, such as the extension of the franchise, the creation of an elective Senate and the restrictions upon the appointive power of the governor-general, but had the preamble been stricken out there would have been no very serious opposition to the enactment of the bill in its final form. With the assistance of fifteen Republicans it passed the House on October 14, 1914, by a vote of 211 to 59. The Senate committee once again listened to the experts and near experts, saw the lantern slides and by a majority approved the

[11] *Hearings before Senate Committee,* 1915, p. 489.

proposed legislation.[12] But for the approaching decease of the Congress the bill would doubtless have been passed. During the closing hours of the session an attempt was made to secure unanimous consent to pass the bill, but this failed and the Jones Bill died with the Congress.[13]

The failure to reach the bill in the Senate was a serious disappointment to its friends, and the president and secretary of war were profuse in their expressions of regret. They were very anxious to justify themselves to the Filipinos. On the day after the failure to reach the bill Secretary of War Garrison cabled Governor-General Harrison that "we were unable to get the Philippine bill taken from the Senate calendar and placed before the Senate for consideration. . . . The president and I did everything which we consistently could do in an endeavor to get the bill before the Senate. . . . I feel that the attitude of the Filipino people had much to do with the sentiment in Congress in favor of this further step in their behalf, and that if they will continue patiently and wisely, the result at the next session of Congress will be the success of the measure." Two days later President Wilson also cabled assuring the Filipinos that the Jones Bill had been "constantly pressed by the administration, loyally supported by the full force of the party, and will be pressed to passage when the next Congress meets in December. It failed only because

[12] *Hearings before the Committee on the Philippines, United States Senate,* on H. R. 18459, 63rd Cong. 3rd Sess. (Dec. 14, 1914, to January 11, 1915).

[13] In asking for unanimous consent, Senator Shafroth said:

"It is very important. It is a measure, Mr. President, that the Philippine people are looking to Congress for with intense eagerness. They have been assured from almost the beginning of the occupation of the islands by the Americans of self-government and independence. Now, since the bill has passed the House, inasmuch as it has been favorably reported by the committee on the Philippines of the Senate, and inasmuch as it is here upon the calendar, it seems to me that we ought to be able, since the bill has been modified largely and does not embody as strong provisions as I had hoped it would, to give it two hours' discussion after the bills on the calendar."

Senator Poindexter, of Washington, replied:

"I would want enough time to undertake to defeat the bill as it stands now. I can not understand why the senator from Colorado should regard it as important that this government should declare now what its attitude and policy in regard to the Philippines is going to be at some distant time in the future. It will be well enough for us when we arrive at that future time to determine then what our policy will be in regard to these islands upon which we have expended so much money and so many lives."

blocked by the rules of the Senate as employed by the Republican leaders who were opposed to the legislation and *who would yield only if we withdrew the assurance of ultimate independence contained in the preamble.* That we would not do. . . . The people of the islands have already proved their quality and in nothing more than in the patience and self control they have manifested in waiting for the fulfillment of our promises. Continuance in that admirable course of action will undoubtedly assure the result we all desire."

Even Mr. Taft, in the early days of his governorship, was not more effusive in dealing with the Filipinos than was President Wilson in his letter to the departing Filipino resident commissioner. "May I not," he wrote Mr. Quezon,[14] "wish you a safe and pleasant voyage and a happy return when you resume your duties here again? I will be very much obliged if you will take some occasion when you are at home to express the admiration I have felt for the self-respecting behavior of the people of the Philippines in the midst of agitations which intimately affect their whole political future. Nothing is needed to establish their full reputation with the people of the United States as a people capable of self-possession and self-government but a continuation in the moderate and constitutional course which they have pursued." Probably few real congressmen received such personal consideration from the president. There were valid reasons why this young Filipino loomed large in the eyes of his constituents.

On the opening day of the Sixty-fourth Congress Mr. Jones reintroduced his bill in the House and soon thereafter Senator Hitchcock presented it in the Senate. The Senate committee, after making a slight change in the preamble, promptly reported the bill for passage. The debate scarcely touched the legislative features of the bill. The controversy over the preamble disclosed its sham character. There was already a stable government in the Philippines and the question arose whether if the preamble was adopted the Filipinos could not properly demand immediate inde-

[14] These cablegrams and letters are printed in the March, 1915, issue of *The Filipino People.*

pendence. "Suppose," asked Senator Cummins, "that I believe it would be better for the people of the Philippine Islands to remain permanently attached to the United States as a state, with all the privileges of a state, or otherwise, would I not fulfill the promise or assurance of the preamble in voting to retain the Philippine Islands as a part of the territory of the United States?" Senator Hitchcock replied, *"I presume the senator would."* As Mr. Kalow says,[15] "Here was the confession of the author of the bill himself that the preamble *was not an explicit pledge that the Philippines should be given their independence."*

Some of the Democrats seem to have had an uneasy consciousness that the bill itself was a subterfuge. "Would a measure which merely made the Philippine government more liberal and which according to the statement of the author himself, might or might not lead to the granting of Philippine independence, be really in accord with Democratic platforms and promises? Was it not in effect a further evasion of the question of independence?"[16]

There was also prevalent a feeling of weariness of the subject. Many Republicans were tired of the whole matter and inclined to say that if the Filipinos were so ungrateful for all that had been done for them and so anxious to be free to go to wreck and ruin why not drop them and get rid of the burden? But were the Filipinos ungrateful, and was there any evidence other than the assertions of the politicians, that independence was seriously desired by any but the politicians? Mr. Quezon and his associates spoke confidently of the "Filipino nation," of their representative character, and of national sentiment and of the universal desire for independence. But those most familiar with the Philippines had reason to doubt whether such expressions were justified by the facts. Nevertheless, many Republicans were willing to take the claims at their face value and shift the burdens

[15] *The Case for the Filipinos,* p. 222. This weakness in the position of those who advocated the preamble was used as an argument in support of the Clarke Amendment.

[16] *Ibid.*

of government to the shoulders of the natives. Senator Nelson, of Minnesota, favored a definite statement that the United States never intended to part with the islands. Other Republicans felt that as the Democrats had created the situation they should go the limit and make their promises good. Mr. Roosevelt said:

"The present administration has promised explicitly to let them go, and by its actions has rendered it difficult to hold them against any serious foreign foe. These being the circumstances, the islands should at an early moment be given their independence without any guarantee whatever by us and without our retaining any foothold in them."

Mr. Root had been influenced by the manner in which the Wilson administration had thrown the Philippine service into party politics and felt that rather than make promises for the future it would be better to call an election in the islands and if the Filipinos voted for independence, turn the country over to them as we had given Cuba to the Cubans. The claim that the islands were a great financial burden on the United States and also a source of military weakness also had its effect.[17]

On January 12, 1916, Senator Clarke, of Arkansas, announced that he would offer an amendment granting independence in two years and instructing the president if possible to negotiate neutralization treaties with other powers. After the time had been extended to four years this proposed amendment was approved by President Wilson.

After the provision for neutralization had been stricken out, it read as follows:

"The president is hereby authorized and directed to withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States in and over the territory and people of the Philippines, and he shall on behalf of the United States fully recognize the independence of the said Philippines as a separate and self-governing nation and acknowledge the authority and control over the same

[17] As to the annual cost of the Philippines to the United States, see Appendix J.

of the government instituted by the people thereof, and full power to take the several steps necessary to institute such government is hereby conferred upon the said Philippines acting by and through governmental agencies created by this act. This transfer of possession, sovereignty and governmental control shall be completed and become absolute not less than two years nor more than four years from the date of the approval of this act, under the terms and in the manner hereinafter prescribed: . . ."

To this was added a proviso empowering the president under certain conditions to extend the time beyond four years in order to give Congress an opportunity further to consider the situation. The president was also authorized to adjust all property rights and other relations between the Philippines and the United States and to provide for the protection of the personal and property rights of citizens of the United States and foreign countries, and to reserve or acquire such lands as in his judgment might be required by the United States for naval bases and coaling stations.

The Filipinos seem to have been considerably surprised by this sudden turn in affairs. Here was a tender of absolute independence without any string to it. It looked like the United States might take the Nationalists literally and simply drop the whole troublesome matter. The Senate was proposing to grant their application for release, let them establish their new state and permit it to go its way and sink or swim according to the capacities and abilities of the citizens. There was to be no neutralization, no guardianship, no further responsibility. It is said that in Manila there were quiet gatherings to consider ways and means of averting the sudden blessing without loss of face. But the assembly, which could do nothing less, expressed its approval of the bill as amended.

The vote in the committee of the whole was a tie and the amendment was adopted by the casting vote of Vice-President Marshall. On February 4, 1916, the bill as amended was passed, six Republicans, including Borah, of Idaho; Clapp, of Minnesota, and Kenyon, of Iowa, voting with the Democrats.

The passage of the bill by the Senate with the Clarke Amend-

ment was a surprise and something of a shock to the country, which was not prepared for such radical action. It is probable that some of the senators who voted for it hoped and expected that the amendment would be stricken out by the House, and that was what happened when, on the eighteenth anniversary of the battle of Manila Bay, sixteen Democrats joined with the Republicans and defeated the bill. It then went to a conference, where the Senate amendment was stricken out. As arranged by the conference committee, the famous Jones Bill then passed both houses and was duly signed by President Wilson on August 29, 1916. Independence at a definite date thus lost, defeated by Democratic votes. Nevertheless, the law as enacted was a great victory for Mr. Quezon and his friends, as they obtained much greater power over the insular government and a sort of congressional promise of future independence.[18]

The Philippine Government Law of 1916 describes itself as an act "to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands and to provide a more autonomous government for those islands." The enacting clause is preceded by the following preamble:

"Whereas it was never the intention of the people of the United States in the incipiency of the war with Spain to make it a war of conquest or for territorial aggrandizement, and

"Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein, and

"Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States, in order that, by the use and exercise of popular franchise and governmental powers, they may be the better prepared to fully assume the re-

[18] Thus by Democratic votes the Philippines were acquired and by Democratic votes early independence was denied.

sponsibilities and enjoy all the privileges of complete independence: Therefore," etc.

This preamble was attached to the statute for reasons purely political. It has no legal significance; it is not a part of the law; and its recitals may be entirely ignored by this or any future Congress. The Republicans were opposed to it because they feared it would merely encourage further agitation of the independence idea to the detriment of business in the islands. The question would have to be settled by a Congress the members of which were not yet elected and any attempt to bind it would not only be nugatory but also impertinent. Congress had no mandate to declare the past, present or future intentions of the people of the United States with reference to the ultimate disposition of the islands. Its function was to legislate, and if it decided to leave the legislation for its successors, its opinions as to the intentions of other people were unimportant. The intentions referred to are said to be those "of the people of the United States." A change of a dozen votes in Congress, for reasons personal to that number of members, might have changed the language of the preamble *and hence, apparently, the intentions of the people of the United States.* The real objection was that the Filipinos might take the preamble too seriously and be encouraged to make further demands which could not be granted. Then the cry of bad faith would be again raised. The Democrats insisted on the preamble because the Filipinos demanded it, and were agitating for it. They were not willing to trust to the logic of past events and desired to transmute the numerous statements of executive officers, senators, representatives, visiting statesmen and party platforms into a definite promise by the only organ of the United States government that had power to take effective action. They wanted "to have the United States formally go on record for an independence policy. They wanted to be in a position to carry forward with greater vigor their independence propaganda."[19] It was for this that they were agitating. According

[19] Kalow, *The Case for the Filipinos,* p. 238.

to Secretary Garrison, "if we were to determine our action by the degree of agitation in the islands we are due to do this thing, because it is the step next along the line taken by our predecessors." In his judgment the government was already committed to a policy which meant ultimate independence. The Filipinos had been told, he thought, that they were to have independence. "Perhaps," said the secretary, "it was very unwise ever to have said it, but that water has gone under the bridge."[20] There was, he thought, no longer a clean slate and it would not do for "the present administration particularly" to refuse to do explicitly what their Republican predecessors had done by implication.

This of course ignores the very great difference between statements of policy made by executive officers who have no authority to bind the country, and formal acts or even declarations by Congress.

However, the preamble in its final form contains no promise other than what may be implied from a declaration of the intentions of the people of the United States. According to the author of the Senate bill, it is not binding upon the conscience of even the members of the present Congress. The people of the United States, whose *intentions* have there been officiously expressed for them, will, of course, ignore the matter unless they agree with it when they are called upon to act. But how will the Filipinos construe it? Mr. Quezon, who is always fair and reasonable, told the Senate committee[21] that they would construe it to mean "that it is the purpose of the United States to grant to the Philippines their independence, not when the Filipinos believe that they are ready for independence—because they have believed that all the time, and they have been saying it all the time, and if their opinion on the subject were to be the final say this would not have been the bill before the Congress at this time; it would have been an immediate independence bill; but when in the opinion of the Congress we have conducted the government that you provide in this bill, in a way that will justify the reason-

[20] *Hearings, Senate Committee,* 1915, p. 651.
[21] *Hearings, Senate Committee,* 1915, p. 485.

able presumption that we shall establish and maintain a fairly decent government, a government that would keep order and offer protection to the rights of the people."

An examination of the new law[22] shows that it is merely a revision and amendment and, to some extent, a reenactment of the Civil Government Law of July 1, 1902. Unfortunately, Congress contented itself with piecemeal legislation instead of taking advantage of the occasion to formulate a constitution and submit it to the qualified voters of the Philippines for their adoption, thus eliminating forever the idea of an imposed government. While it is true that the Filipinos, so far as their representatives were able to speak for them, consented to and in fact solicited this particular legislation, legally this statute is as much imposed legislation as was that of 1902.[23] The law makes very substantial changes in the form of the Philippine government and imposes additional responsibilities upon the Filipinos. The appointive power of the president is somewhat restricted, but that of the governor-general is greatly enlarged, although his appointments are subject to confirmance by the Philippine Senate. He has ceased to be the presiding officer of the Upper House of the Legislature.

But the principal changes are in the legislative department. The United States Philippine Commission and the Philippine Legislature as constituted under the Civil Government Law of 1902 are abolished and they are succeeded by a new body known as the Philippine Legislature, composed of an elective Senate and House of Representatives, with jurisdiction over the entire Archipelago.

An elective Senate slightly diluted by executive appointees to represent the uncivilized regions takes the place of the former upper house of the legislature, which was composed entirely of the appointed members of the Philippine Commission.

[22] Act of August 29, 1916, *U. S. Comp. Stats.*, vol. 4, § 3804(a) *et seq.* See Appendix I.

[23] The attitude of the assembly and the several political parties toward independence appears in a document published by the assembly in 1916 entitled *La Independencia como Aspiración Nacional.* See also appendices to the *Special Report* of Secretary Dickinson (1910).

The old division of the islands into Christian, non-Christian and Moro[24] territory has disappeared. The Archipelago is now divided into twelve senatorial and ninety representative districts. Each senatorial district is entitled to two elective senators who must be qualified electors, over thirty years of age, able to read and write either Spanish or English, residents of the Philippines for at least two years, and of the district for one year immediately prior to the election.

Each representative district is entitled to one representative, who must be a qualified elector, over twenty-five years of age, able to read and write Spanish or English, and have been a resident of the district for at least one year immediately prior to the election.

Although the entire territory of the islands is brought under the jurisdiction of the new legislature, that part formerly under the exclusive control of the commission is not granted the privilege of electing its representatives.

As it would have seemed a trifle too absurd to grant the franchise to the Moros and wild men, Congress provided that the governor-general shall appoint without the consent of the Senate and without restriction as to residence senators and representatives who will in his opinion best represent the districts included in that territory.

Congress, against the advice of General McIntyre and most other well-informed Americans, greatly extended the franchise to the Filipinos. It is a remarkable fact that the political party which at the close of the Civil War made the mistake of giving the ballot to the negroes of the South, now opposed its further extension in the Philippines, while the Democrats of the South insisted upon forcing it upon nearly half a million equally ignorant Oriental people.

The members of the first new Philippine Legislature were required to be elected by the electors having the qualifications of voters under the *existing Philippine law.* But thereafter and

[24] See Elliott, *The Philippines: To the End of the Military Régime,* p. 86.

until otherwise provided by the Philippine Legislature the right to vote is extended to

"Every male person who is not a citizen or subject of a foreign power, twenty-one years of age or over (except insane and feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since August 13, 1898), who shall have been a resident of the Philippines for one year and of the municipality in which he shall offer to vote for six months next preceding the day of voting, and who is comprised within one of the following classes.

"(a) Those who under existing law are legal voters and have exercised the right of suffrage.

"(b) Those who own real property to the value of 500 pesos, or who annually pay 30 pesos or more of the established taxes.

"(c) Those who are able to read and write either Spanish, English, *or a native language.*

"The legal voters referred to in (a) include:

"(1) Those who, prior to the thirteenth of August, eighteen hundred and ninety-eight, held the office of municipal captain, gobernadorcillo, alcalde, lieutenant, cabeza de barangay, or member of any ayuntamiento;

"(2) Those who own real property to the value of five hundred pesos, or who annually pay thirty pesos or more of the established taxes;

"(3) Those who speak, read, and write English or Spanish—shall be entitled to vote at all elections: *Provided,* That officers, soldiers, sailors, or marines of the army or navy of the United States shall not be considered as having acquired legal residence within the meaning of this section by reason of their having been stationed in the municipalities for the required six months."[25]

[25] This law (Act No. 1582) disqualified the following persons:

"(a) Any person who is delinquent in the payment of public taxes assessed since August thirteenth, eighteen hundred and ninety-eight;

"(b) Any person who has been deprived of the right to vote by the sentence of a court of competent jurisdiction since August thirteenth, eighteen hundred and ninety-eight;

"(c) Any person who has taken and violated the oath of allegiance to the United States.

"(d) Any person, who, on the first day of May, nineteen hundred and one, or thereafter, was in arms in the Philippine Islands against the authority or sovereignty of the United States, whether such person be an officer, soldier, or civilian;

"(e) Any person who, since the last day of March, nineteen hundred and

The ability to read and write a dialect alone implies such limited educational qualifications as to have no particular value. The extension of the franchise by the new law increases the number of voters from about two hundred fifty thousand to approximately six hundred thousand and the additions are from those who are too ignorant to qualify under the former law. However, the provision extending the suffrage is not of much importance, as the Act of Congress made it inapplicable to the election of members of the first legislature and authorized that body when organized to determine the qualifications of voters. The Philippine Legislature now has full control over the question of suffrage.[26]

The powers of the governor-general are now clearly defined.[27] He is to be appointed by the president of the United States with the advice and consent of the United States Senate, holds office at the pleasure of the president and is vested with the supreme executive power and made responsible for the faithful execution of the laws. He is charged with the duty of supervising and con-

one, has made or hereafter shall make contribution of money or other valuable thing in aid of any person or organization against the authority or sovereignty of the United States, or who shall demand or receive such contribution from others, or who shall make any contribution to any person or organization hostile to or in arms against the authority or sovereignty of the United States, for the purpose of securing any protection, immunity, or benefit;

"(f) Any person who, since the last day of March, nineteen hundred and one, has or hereafter shall in any manner whatsoever give aid and comfort to any person or organization in said islands in opposition to or in arms against the authority or sovereignty of the United States;

"(g) Insane or feeble-minded persons:

"*Provided,* That the provisions of the subsection (d) shall not apply to those persons who surrendered in Cebu to Brigadier-General Hughes or to those who were on October thirty-first, nineteen hundred and one, inhabitants of the town of Pilar in the Province of Sorsogon: *And provided further,* That the provisions of subsections (d), (e), and (f), shall not apply to acts done prior to the surrender by persons who surrendered to Brigadier-General Samuel Summer in the Province of La Laguna in the month of June, nineteen hundred and one: *And provided further,* That the disqualifications prescribed in the foregoing subsections (d), (e), and (f) shall not apply to persons who have received the benefits of an amnesty and have not since committed any of the acts set forth in said subsections." *Compilation, Acts and Military Orders in Force October 15, 1907.* Sec. 16.

It is not clear whether Congress by the statement of disqualifications, which includes a part only of the foregoing list, intended to annul the others.

[26] A bill to grant the suffrage to women is now pending in the legislature.

[27] See *supra,* p. 111.

trolling all the departments and bureaus of the government and is commander-in-chief of any locally created armed forces and militia. He appoints, *subject to confirmation by the Philippine Senate,* all officers whose appointment is not otherwise provided for. He must within ten days after the convening of each regular session of the legislature submit a budget of receipts and expenditures of the government as the basis for the annual appropriation bill. When necessary to prevent or suppress lawless violence or insurrection, or repel invasion, he may summon the *posse comitatus,* call out the militia, or call upon the military and naval forces of the United States. When the public safety requires it he may suspend the writ of *habeas corpus* or place the islands or any part thereof under martial law. When this power is exercised he must at once inform the president of the United States of the facts and circumstances and the latter may modify or vacate his orders.

It is provided that the governor-general shall make an annual report of the transactions of the government through "an executive department of the United States to be designated by the President."[28] For the first time in the history of the American administration the governor-general is given the power to veto an act of the legislature or any item thereof.[29] Should both houses of the legislature by a two-thirds majority of the members pass a bill over the veto it then goes to the president, whose approval or veto is final.

[28] Heretofore the governor-general and the heads of departments (the secretaries) made their annual reports to the commission.

[29] Under the commission government as adopted by the Organic Law of 1902 Congress reserved the power to annul any act of the Philippine Legislature or the commission, but neither the governor-general, the secretary of war, nor the president, had the veto power. It has been claimed that the president and secretary of war could veto a Philippine law, but no attempt was ever made to exercise such power. It is very clear that it did not exist after 1902 when all the legislative power granted was vested in certain bodies. An executive who vetoes a bill exercises a part of the legislative power and his authority must originate in some organic law. During the period of military government the president controlled the government, but after Congress took control the authority of the legislature was derived from the Act of Congress which did not provide for a veto. Under the Organic Law a statute became effective when passed by the proper legislative body and Congress only could render it ineffective by virtue of its power to annul.

The Philippine Legislature, like its predecessors, is required to report all laws enacted by it to Congress, which reserves the power to annul them.

The president must also appoint a vice-governor, an auditor and a deputy auditor. The vice-governor, who must be secretary of public instruction and have control over education and health, is authorized to exercise all the powers of the chief executive in the event of a vacancy, or the disability or temporary absence of the governor-general.[30]

The appointment of the auditor was very properly reserved to the president, as this important officer has heavy responsibilities in connection with the finances of the government. His administrative jurisdiction over accounts and vouchers and records pertaining thereto is exclusive and his decisions are final and conclusive upon the executive branches of the government, subject to an appeal to the governor-general, and, should he fail to sustain the action of the auditor, to the secretary of war. The auditor has the general powers, except as specifically restricted, of auditors of the United States and the comptroller of the United States Treasury. He must report annually to the governor-general and the secretary of war. The office of the auditor remains under the general supervision of the governor-general.

During the commission régime there were four executive departments, the heads of which were appointed by the president by and with the advice and consent of the Senate. Under the new law the Department of Public Instruction only is required to be retained and it must contain the Bureaus of Education and Health and such others as may be assigned to it. All the other executive departments are placed under the control of the Philippine Legislature, which may increase the number or abolish any or all of them, or make such changes in the names and duties thereof as it sees fit. All executive functions must be directly under the governor-general or within one of the departments

[30] It is to be regretted that the absurd title of vice-governor was retained. There are at least a hundred governors of various degrees in the islands. In order to conform to the facts this official should have been given the title of vice-governor-general.

under his supervision. The Act of Congress creates one new bureau to be known as the Bureau of non-Christian Tribes, which shall have general supervision over the public affairs of the inhabitants of the territory represented in the legislature by appointive senators and representatives.

The heads of the departments other than that of public instruction are to be appointed by the governor-general instead of the president, as heretofore, and confirmed by the Philippine Senate instead of the United States Senate. The name Philippine Congress and the provision that the heads of departments should constitute a cabinet for the governor-general, which were in the Jones Bill at one stage, were omitted from the law, as too suggestive, evidently, of an independent government.

The new legislature is directed to elect two resident commissioners to the United States "who shall be entitled to an official recognition as such by all departments." This provision is substantially the same as in the former law and leaves them dependent upon the courtesy of the House of Representatives for the privilege of a seat and the right to speak in the house.[31]

The present laws are continued in force until changed by Congress or the Philippine Legislature. Future Acts of Congress shall not apply to the Philippines unless the contrary is specifically provided. General legislative power, except as specifically limited, is granted to the new legislature. The limitations, however, are important. The Bill of Rights, which is copied into the law from the former statute,[32] contains the usual prohibitions upon legislation. A new paragraph provides that "No religous test shall be required for the exercise of civil or political rights. No public money or property shall ever be appropriated, applied, donated or used, directly or indirectly, for the use, benefit or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit or support of any priest, preacher, minister or other religious teacher or dignitary as such. Contracting of polygamous or plural marriages hereafter is pro-

[31] See *supra*, pp. 66, 112, 414-416.
[32] See *supra*, pp. 66-68.

hibited. That no law shall be construed to permit polygamous or plural marriages."

The legislature is specifically authorized to modify or repeal all laws relating to revenue or taxation in effect in the islands, with the following limitations as to the tariff. It will be remembered that there are two tariff laws, one an Act of Congress regulating trade between the United States and the Philippines, the other a Philippine tariff law regulating trade between the islands and other countries. The law we have been considering contains the following provision: "While this act provides that the Philippine government shall have authority to enact a tariff law, the trade relations between the islands and the United States shall continue to be governed exclusively by laws of the Congress of the United States: *Provided,* that tariff acts or acts amendatory to the tariff of the Philippine Islands shall not become law until they shall receive the approval of the President of the United States."

So acts affecting immigration, the currency or coinage, lands of the public domain and timber and mining do not become effective until approved by the president. The imposition of export duties is forbidden. Taxes and assessments on property and license fees for franchises and privileges and internal taxes, direct or indirect, may be imposed by the Philippine Legislature for the purposes of the insular and local governments.

Express authority is given the legislature to increase the bonded debt of the insular government to fifteen million dollars, and that of any province or municipality to seven per cent. of the aggregate tax valuation of its property. The troublesome question of citizenship is put in the way of settlement, as the legislature is authorized to provide by law for the acquisition of Philippine citizenship by those natives of the islands who do not come within the provisions of the Treaty of Paris, the natives of the insular possessions of the United States, and "such other persons residing in the Philippine Islands who are citizens of the United States, or who could become citizens of the United States under the laws of the United States if residing therein." The

provisions of the new law with reference to the granting of franchises are the same as in the former statute.

The judicial system also is unchanged. But the salary of the chief justice is reduced to eight thousand dollars and that of an associate justice to seven thousand five hundred dollars per annum. The salary of the governor-general is fixed at eighteen thousand dollars, with the right to the use of the official residences. The vice-governor is to receive ten thousand dollars, the auditor six thousand dollars and the deputy auditor three thousand dollars per annum. All expenses incurred on account of the government of the Philippines for salaries of the officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement and development of the islands other than works undertaken by the United States shall, as in the past, be paid by the government of the Philippines.

An ambiguity thought to exist in the former statute[33] is cleared up by the following provision of the new law:

"If at the termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be done shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation bill; and until the legislature shall act in such behalf the treasurer shall when so directed by the governor-general make the payments necessary for the purposes aforesaid."

There is a difference of opinion as to the wisdom of some of the provisions of this law. It seems to me that it was unwise to extend the suffrage, and it would have been safer to vest the appointive power in the governor-general absolutely. Any one familiar with the history of the assembly will expect the Senate under the guise of confirmation to control appointments. Other features of the bill are subject to criticism, but nevertheless when all the conditions are taken into consideration, I think Congress did the proper thing in passing the law even with the doubtful

[33] See p. 117.

preamble. Had the Philippine Commission not been emasculated the country would have advanced more rapidly under its control than it will under the present government. But the power and prestige of the commission had been so weakened that some radical changes in the system were necessary. The new legislature, with its elective Senate, is an improvement on the old complicated legislative arrangement which by its very nature could be temporary only. It is far better, also, that the governor-general as the representative of American sovereignty should not be a member of the legislature. His power over legislation is much greater than when he was the presiding officer of the upper house and engaged in trading with the skilful politicians of the assembly.

But his position will not be an easy one. A weak and complaisant chief executive will be inclined to win cheap popularity by signing all bills which are presented to him. A strong governor-general who uses his veto power fearlessly and conscientiously will save the country from the consequences of many mistakes, but he will be anathema to the people he serves. It is to be regretted that Congress did not follow the custom of the other powers and fix a definite term of office for the governor-general and vice-governor. Had they been given four-year terms expiring in the middle of the presidential term the government would have been more stable and there would have been less temptation for the president to treat the positions as rewards for political services.[34]

The new law has not changed the nature of the government or the legal relation between it and the United States. The Philippines are a possession and, in an international sense, a part of the United States. The government is neither sovereign nor quasi sovereign; it is an agency of Congress and subject to its

[34] There is an ambiguous provision in the law to the effect that the governor-general shall make his reports "to an executive department of the United States to be designated by the President." The inference is that Congress contemplates the possible transfer of the administration of the Philippine government from the War to the State or some other department. The control of the secretary of war through the Bureau of Insular Affairs is provided for by an unrepealed statute.

control. Its authority is derived from the orders of the president before Congress acted and the subsequent Acts of Congress. Within the limits of its authority it is a complete governmental organism with executive, legislative and judicial departments exercising the functions commonly assigned to such departments in a constitutional republic.[35]

The passage of the Jones Bill was the occasion of great rejoicing in Manila. It was accepted as a formal promise of ultimate independence and as conclusive evidence of America's good faith, which in the past had often been doubted. The native papers were profuse in expressions of gratitude for a government in which the Filipinos were to have so important a part. *El Ideal,* the organ of the Nationalist party, said:

"With the final passage of the Jones Bill, which is the law that organizes and regulates our political life and our relations with the United States, a new pact of friendship, which is more consistent, more elevated, more equitable and therefore more permanent and most binding between the American people and the Filipino people, has been executed.

"Henceforth, there will no longer be any reason to doubt the noble intentions of the American nation; henceforth, no Amer-

[35] U. S. v. Bull, 15 *Phil. Repts.* 7 (1910); Severino v. Governor-General, 16 *Phil. Repts.* 366; Forbes v. Chuco Tiaco, 16 *Phil. Repts.* 534 (1910); *see* an article by George A. Malcolm, on "The Status of the Philippines," *Michigan Law Review,* May, 1916.

Dean Malcolm says (p. 542): "In the case of the United States v. Bull the Supreme Court of the Philippine Islands, considering 'the importance of the question' presented 'after much discussion and considerable diversity of opinion' established 'certain applicable constitutional doctrines.' In reality the opinion by Mr. Justice Elliott constitutes a veritable text-book in the most approved style on certain subjects of Philippine government. * * * While the opinion went to the extreme in a judicial endeavor to sanction legislative authority and to set up a quasi-sovereign government, it was not appealed to the Supreme Court of the United States and is controlling. The same result was attained in two later decisions affecting the executive power."

United States v. Bull merely established the principle that the orders of the president and the Acts of Congress granted general legislative power to the Philippine government, subject to express and implied restrictions. In other words, it was held that in determining the constitutionality of a statute the court would look for limitations instead of specific grants of power. The principle established by that case is embodied in section 12 of the Act of August 29, 1916, which provides that "general legislative power, except as otherwise herein provided, is hereby granted to the Philippine Legislature, authorized by the act."

ican, however hostile and opposed he may be to the ideals of the Filipino people, can charge us with being ungrateful when we act in accordance with the confidence in our capacity to maintain a stable government, with a view to obtaining the final recognition of our full right to govern ourselves without outside help.

"The Jones Act is really a measure which unites Americans and Filipinos in a concerted effort for the betterment of the country. The former are obliged to finish, nobly and disinterestedly, the glorious work which they began here eighteen years ago, and they are therefore bound to assist us considerably, and the latter are obliged to accept, and they do accept, the valuable aid of the Americans in the great work of laying the foundations of their future nation, which shall be free and independent. The work is indeed of such magnitude that we expect not only the assistance of the Americans, but also of the foreigners who live in our country and who, generally, have acted in a noble way."

According to the editor, the date of the signing of the Jones Bill ushered in "a new period of mighty effort and growing responsibilities." A new era had opened. It was a time for gratitude, "gratitude to ourselves because we have conducted ourselves in such a way as to deserve a substantial part of what we all long for, gratitude and blessing to the noble American people and their representatives, gratitude and blessing to the loyal leaders of our cause who did not vacillate in spite of all obstacles, neither did they shirk any responsibility, however great, and carried onward the flag of our faith in the new position of honor we now occupy.

"And now that intense emotion calls for words which would convey, in the briefest and most expressive manner, our gratitude to the American people, we can find none which would sum up so persuasively, so feelingly and so justly our tribute to the lofty spirit which inspired the work of the American people in these islands during their eighteen years of sovereignty, as the following which come from the heart of the highest and most genuine representative of the Filipino people, Speaker Osmeña: 'The American people could have treated us otherwise after we were vanquished. And because they did not do so, they are deserving of the appreciation and the sincere esteem of the Filipinos.'"

The elections for members of the new legislature, which was to meet on October sixteenth, were strongly contested, but the Nationalists were generally successful. They elected twenty of

the twenty-two members of the Senate. Mr. Quezon, who had resigned his office of resident commissioner at Washington, was elected a member of the Senate by a practically unanimous vote. There has always been much fraudulent voting at Philippine elections and this one was no exception. But the way in which the matter was treated shows that the leaders appreciate the fact that the country is on its good behavior.[36]

Governor-General Harrison appointed Hadji Butu of Jolo, one of the advisers of the Sultan of Sulu, a member of the Senate, and Datu Piang, a Moro from Cotabato, and a prominent Igorot from the Mountain Province, members of the House of Representatives, to represent the districts included in what was formerly called the non-Christian territory. Such appointments seem very absurd, but it must be remembered that these men are in fact recognized leaders of their people. The last time I saw Datu Piang he stood digging up the sand with his toes while soliciting government aid to retrieve one of his wives who had run away from the over-populated home. Nevertheless, he will represent his people in a much more real sense than will many of the elected legislators. What Datu Piang wills is, and for years has been, the law for many Moros who inhabit the Cotabato Valley.

The legislature was duly organized on October sixteenth. Quezon became president of the Senate, and Osmeña speaker of the House of Representatives. As the reorganization of the departments required time, the life of the commission was extended to January 1, 1917.

[36] *The Cable News-American* of Nov. 5, 1916, reports Senator Quezon as saying: "The sixth senatorial district shall not be represented in the Senate until a new election, devoid of the incredible irregularities recently perpetrated in the last elections, shall have been held. Not even if the men coming out victorious as a result of the last electoral battle were to come to the Senate chamber, with certificates in their hands, of having been elected, will they be allowed to occupy seats in the upper house of the Philippine Legislature. The frauds that have been committed in that district were so stupendous and phenomenal as to destroy all confidence in the honesty of the voters within its jurisdiction. Therefore, it is not proper for the Senate to permit any candidate triumphant in the last senatorial elections to have any place in it, because then, it would be an act of injustice, founded on the ignoble machinations of an irresponsible body of criminal voters."

Innumerable projects for the good of the country were embodied in bills and promptly introduced. Every legislative body has its crank bills. The extremists and the hitherto suppressed seditiously inclined patriots were much in evidence. One of the first bills introduced was intended to repeal the law which made it a crime to exhibit the old insurgent flag or the emblems of the Katapunan.[37]

The Filipinos have a chronic habit of assuming a trifle more than the facts justify. Given an inch they will claim an ell. The Jones Bill in one of the forms through which it passed provided for a Filipino Congress, but the law as enacted created the Philippine Legislature. Nevertheless, this body provided that the enacting clause to its laws should read "the Philippine Senate and the House of Representatives *in Congress* assembled enacts . . ." In popular language the legislature is already called the Congress, and even the American newspapers in Manila so designate it. Of course, it is no more a Congress than is the legislature of North Dakota.[38]

The Act of Congress provided that the existing executive departments should continue until changed by the new legislature. The change was promptly effected. The old departments, with the exception of that of public instruction, which Congress required to be retained, were abolished, and new and additional ones created, under the names of the Departments of the Interior, Commerce, Agriculture, Treasury, Transportation and Communications, and Public Resources. The new office of assistant secretary for each department was created and Filipinos were appointed secretaries and assistant secretaries, the aggregate salaries being about what had been paid formerly. The governor-general, the vice-governor, the auditor and certain members of the Supreme Court are the only Americans who hold high office in the

[37] It was erroneously announced in the American papers that this bill became a law and the impression created was bad.

[38] Before the Organic Law of July 1, 1902, the enacting clause read: "By *authority of the President of the United States,* be it enacted by the Philippine Commission." After the passage of that law the enacting clause read, "By the *authority of the United States* be it enacted by the Philippine Commission." After 1907 the same form was used by the legislature.

Philippine government. The issue for good or evil is now with the Filipinos.

It is not easy to determine the real strength of the present sentiment in favor of independence. The great majority of the Americans who have served in the Philippines assert very positively that even now the desire exists only among interested politicians, that the well-to-do classes are at heart opposed to it, and that the common people are so ignorant that they have no conception of what independence means. This may have been a correct description of the situation as it existed a few years ago, but it is not true now because it ignores the growing middle class in which the sentiment is strongest.

Our government deliberately and intentionally created the conditions which made inevitable the rapid development of a national spirit, and it is folly to close our eyes to facts and continue to assert that the agitation about independence is merely as the froth on the surface of the political pool. Nevertheless it is a fact that American Philippine officials and civil service employees generally, who have no reason to misrepresent conditions, have but slight faith in the depth and sincerity of the sentiment. Teachers and constabulary officers in particular, who have lived close to the common people, almost without exception assert that all but the politicians and newspaper men are satisfied with conditions as they were before the Jones Bill became a law. When speaking in confidence the people with whom they are in contact assure them that they do not desire independence, although they would like to try some form of government under which the United States would leave them free to go their own way while protecting them from the consequences of their mistakes. It seems that at present the mass of the people, in a vague, indefinite and uninformed manner, desire to run their own country in their own way, even though it means a less efficient government. Yet even this is not generally conceded by Americans, although it can not be denied that the political party which has taken a radical position on the question is successful at the elections, while their opponents, who advocate delay, are defeated.

I have little doubt that the great majority of the voters would, if given the opportunity, make the mistake of casting their ballots for immediate independence.

There are many who would prefer to live under a free popular government operated by their own people under American supervision and protection such as they have been enjoying. Undoubtedly this is the feeling of the leading business and professional men who are not in politics. The attitude of this class and the Spanish and Chinese mestizos who control most of the business which is not in the hands of the Europeans and Americans has been rather shifty but it is understandable. Many of them have expressed themselves publicly as in sympathy with the Nationalist movement, but it is certain that at heart they are not in favor of independence if it is to mean an oligarchical republic under the control of the men who have established themselves as leaders during the last few years. They distrust many of these men and fear that their influence over the ignorant people will be used for personal ends and to the prejudice of the propertied class.[39] They also fear that inefficient leadership and personal rivalries will result in disorder and possibly in revolutionary disturbances. They know that their material interests would be seriously prejudiced by the withdrawal of the American government. The day the American flag ceases to float over Fort Santiago rents in Manila will fall fifty per cent. for the simple reason that there will be no tenants for the many modern

[39] The attitude of this class was shown by a letter written by Mr. Legarda, then Quezon's colleague as resident commissioner at Washington, on April 28, 1911, in which he said:

"As to what you say about Quezon, I knew very well what this type is; this gives an idea of what our people are as yet, in so far as their capacity for self-government is concerned; they allow themselves to be carried away by those three or four mountebank legislators and overlook their histories and moral characters. Who is Quezon? Who is Osmeña? And Dominador Gomez, Poblete and Isabelo de los Reyes? What have they been? The Americans are those who with all this are reaping their harvest, as they say, rightly, that so long as our people continue to be at the mercy of the rascals, and the reputable and wealthy classes remain aloof from them, it is impossible to grant anything. And this is what will happen."

The letter was used as evidence in a suit between two Filipinos and was printed in the *Manila Times*, April 22, 1912.

houses which are now occupied by Americans connected with the civil government, the army and the navy.

Few members of the upper classes who do not hold or aspire to office seriously claim that the people are ready to govern themselves. But they express their views in a decided undertone. They are very uncertain as to what the future will bring forth, and they are not seeking to qualify as patriots or martyrs. They have a vivid recollection of the confiscations and compulsory contributions which were levied upon them during the brief period of Aguinaldo's ascendency. Nor have they been able to measure the forces which in the United States are seeking to cast the Philippines adrift. The democratic leaders and newspapers have been threatening the permanency of the American control and the local politicians have assured them that the day is near—that the good ship Independence is visible in the offing. They know enough of the history of revolutions to understand that if an independent Filipino state is established the fate of those who were lukewarm toward the cause will not be enviable. Not a few have for such reasons rendered lip service to the independence cause while trusting to their American friends to see that the day of its success is postponed as long as possible.

There is also reason to believe that some at least of those who have been most active in the independence propaganda do not desire that it be too promptly successful. These men found it a popular party shibboleth and encouraged it until in some localities it got beyond their control. One of the most prominent of the Nationalist leaders once informed me that his constituents were able to grasp the simple idea of absolute independence, but that they could not comprehend the complicated arrangements involved in an autonomous government under American supervision, and that he was advocating independence in the hope of obtaining a government similar to that of Canada. They were aiming at the stars in the hope of reaching the high hills. It is said also on good authority that the quiet work of the Filipino leaders and their American advisers aided in defeating the

Clarke Amendment to the Jones Bill. It was an evil time for an infant nation to be born into the world and left to shift for itself without a protector.

We have then in the Philippines a prevailing sentiment in favor of immediate independence, but it is not universal and it varies greatly in intensity and seriousness. The older and more experienced men of the upper class—the elder statesmen—while mildly favoring it, at heart are in favor of the continuance of present conditions. The common people, which term includes the small business men and farmers, the one *carabao* men, and the millions of laboring men and *taos,* who live in the provinces, understand but little and care less about the question. They have been told by the politicians and orators that *independencia* is something to be desired and they are willing enough to follow their natural leaders. The small middle class, including the young men who have been educated in the American controlled schools, the lawyers, doctors and newspaper men, are strongly in favor of independence and willing and anxious to assume the burdens of government. It is from this class that the real leaders of the Nationalist movement have come. Many of them are able, competent and patriotic, and a few are sufficiently well informed to appreciate their relation to the rest of the universe. They have now been given substantially all they asked for short of independence, and I believe that the best of them will be satisfied with the government as organized under the law of 1916. But the agitation will not immediately subside. The impetus of the movement and the desire for consistency will seem to require the continuance for a time of the agitation for independence.[40] It will be held before the people as an ulti-

[40] With reference to the Jones Bill, *The Filipino People* said:

"We do not of course regard this bill as a finality. Were it so, *we should never consent to its consideration or enactment.* Did it debar us from continued agitation and effort to secure enactment of final independence legislation, we should oppose it to the uttermost. But such is not the case. . . . We therefore favor the passage of the new Jones bill, advise its acceptance by the people of the Philippines, and pledge ourselves to its support." Quoted in Kalow's *The Case for the Filipinos,* p. 207.

The arrogant tone of the foregoing is characteristic of certain of the native politicians. They have been commended and flattered until they believe

mate prize to be won as the result of good conduct and efficient government. If the Filipinos are left to work out their own salvation under the new law without officious advice and interference on the part of their American mentors we shall hear comparatively little of independence during the next few years. A few interested agitators may continue to talk, but with the government almost entirely in Filipino hands, and working successfully, it will be difficult to excite the public about the abstract principles involved in sovereignty. If the government is not reasonably well administered the demand for independence will resolve itself into an absurdity.

The Filipinos must realize when they pass out of the emotional stage that independence would mean a larger establishment, more office holders and increased taxation. Although they have not been heavily taxed, they are bitterly complaining of the new taxes which have been imposed during the last three years.[41] When they are asked to vote yet additional taxes in

evidently that they are in a position to dictate terms to Congress. "We would reject any concessions." "We should never consent to its consideration or enactment." It would be well if these gentlemen were required to learn that legislation for the Philippines is a matter of national importance and that it is for the people of the United States as represented in Congress, to say what is for the interest of the nation as well as the Filipinos. In determining its action the wishes of the natives as a whole so far as ascertainable should be given proper consideration. But it should not be forgotten that the Philippines are the property of the United States and that the Filipinos are American nationals who owe allegiance to the United States, under whose protection many of them were born and all live. The question of independence as well as the extent of self-government which shall be granted to them is a matter of American policy to be determined by the nation in the light of its own interests, as well as those of the Filipinos.

[41] "During the debate over the bill which authorizes the municipal councils to increase the land tax for school purposes, and when Delegate Fonscier, alleging the great burden of taxation which already weights on the people, proposed that the law be postponed till 2915, Delegate Soto said:

"'Does the gentleman think that in view of the irksome burdens now placed on the country, there will be any real estate left in the Philippines by 2915?'

"Sotto, with that subtle irony of Voltaire, announced in words teeming with rich humor, terrible presage. The country is already exhausted by the weight, of so many direct and indirect taxes, and if it does not protest and with a spirit of resignation welcomes all such taxes, it is because it is nourished by the hope that it may find compensation in national liberty, for which the people are willing to accept the most painful sacrifices, as shown in the past, and are now ready to accept them so far as it may be possible for human nature to do so. This must be unknown to the representatives of business who, through Mr. Pitt, ask for the increase of the *cedula* tax to three pesos.

order to raise the money to pay for the army and navy about which the politicians are now talking so glibly,[42] they will, if competent to govern themselves, consider very seriously whether it is not the part of wisdom to permit the United States to continue bearing that part of their burdens.

Successful government, particularly in the tropics, is largely a matter of finance and low taxes. It will be impossible to increase the income of the Philippine government to any great extent without imposing additional direct taxes. If the islands become independent the American markets will of course be closed to them, and their sugar, hemp and cocoanut products will have to pay the regular duties imposed on similar articles coming from other foreign countries. The Philippine tariff will be imposed on articles coming in from the United States as well as Europe and Asia, and the imports now increasing rapidly under free trade will decrease. The annual income of the Philippine government is approximately thirteen million dollars. The fixed charges necessary to pay the interest on the bonded indebtedness, maintain the necessary sinking funds and pay the operating expenses of the government requires approximately eleven million dollars. The modest balance has during recent years been used for the construction of highways and other necessary public improvements. The margin of difference between income and expenditure is so small that the increased expenses of an independent government would render impossible the construction of additional public works and also necessitate the reduction of the appropriations for health and education. It is possible to increase the income of the government by developing the natural resources of the country, but that requires capital in large amounts, which can only be secured from abroad. But the Fili-

The approval of such proposition would be a cruel sarcasm and we sincerely believe that the legislature will do its very best to avoid the carrying out of such preposterous idea of the great commercial interests." *El Ideal.*

[42] The new legislature is much interested in a military and naval school and the organization of an army. The Moro senator, Hadji Butu, "in whose veins tingles the traditions of his warlike race," called the attention of his Christian brethren to the great advantage of having a good army and navy. "And he is right," says *El Ideal.*

pinos refuse those concessions and privileges which are necessary to induce capital to enter such a country. It has been impossible in the past to obtain it in substantial amounts and on such conditions as are now imposed it will not come at all after American control has been withdrawn.

Another matter must be taken into consideration. The government which has been organized in the Philippines is too elaborate for the Filipinos to operate successfully. The work undertaken during the Taft régime was on a scale which required considerable time for its completion. It was contemplated that American control and supervision would not be withdrawn until the somewhat elaborate plans were worked out, and results obtained. The work was to be completed by Americans before the question of independence was seriously considered. The way in which the friar lands were handled is a good illustration. The Congress organized by Aguinaldo disposed of the matter in a very summary way. It simply confiscated the property. The Americans worked out a plan which was entirely just to all parties. But it involved years of expert work and careful handling of the property to produce the contemplated results. It never would have been undertaken by Filipinos and it can not be successfully carried out under their management.

The change of administration came and the move for independence reached its height while the American projects were not more than half completed. It would be impossible for the Filipinos to take over the government at the present time, particularly in view of the condition of the finances, and operate it successfully. They must inevitably wreck the ship on the financial rocks. The country is too small and too poor to support an independent government. That proportion of the income which during the past few years has been devoted to public improvements designed to increase the production power of the country would be frittered away on a diplomatic service, a petty army and a tin navy, which would be useless for any serious purpose. There is every reason to believe that the unsold friar lands would be mismanaged, the sinking funds diverted, the

money due on contracts and leases remain unpaid, and the outstanding seven million dollars of bonds thus become a general charge on the treasury. The interest on the bonded indebtedness of sixteen million dollars, in addition to the friar land bonds, would have to be promptly met and the sinking funds maintained. The Manila Railroad Company, which was recently purchased by the government, will be a perpetual financial burden, and its bonded debt of ten million dollars, which has been assumed by the government, must be taken care of.[43] The Philippine Railway Company also will undoubtedly have to be taken over by the government in order to protect its investment under its guarantee of the interest on the construction bonds. When that is done the twenty million dollars of bonds will also become a charge on the treasury unless the mortgage on the road is allowed to be foreclosed and the property sold. In that event all that has in the meantime been paid as interest by the government will be lost.

The Filipinos have so far shown no capacity for large financial operations, and while their leaders probably no longer believe with Mabini[44] that securing the money to operate a government is a mere detail, there is no justification for assuming that they fully comprehend the difficulties ahead of them. Under American control the financial problems other than those involved in the Manila Railroad deal can be successfully solved. But an independent Filipino state would soon find itself in the condition of many of the South American republics, which would mean inability to meet its obligations, repudiation, intervention and all the usual complications, including the assertion by foreign bond holders of a claim against the United States on the obligations issued or assumed by its agent the Philippine government.

When the Filipinos once fully grasp the situation and realize the burdens and dangers involved in independence they will probably abandon the idea, be satisfied with their present government and accept the aid and protection of the United States. The

[43] The Philippine government did not merely purchase the road subject to the lien of the bonds. It bound itself by a law incorporated in the contract of purchase to create a sinking fund to retire the bonds.

[44] Elliott, *The Philippines: To the End of the Military Régime*, p. 507.

present situation is the result of skilful agitation based on a natural and proper desire for nationality. The great majority of the American people seem to be perfectly willing that the Filipinos shall establish their own government when the proper time comes. They feel kindly toward them, wish them well, and expect no financial profit from the connection. They are even willing to continue bearing the financial burdens involved in the present relation. Having entered upon an altruistic enterprise designed primarily for the benefit of the Filipinos, they are reluctant to abandon it while half completed. They feel that their own honor and credit are involved.

It may be that when the Filipinos are prepared for independence they will be sufficiently intelligent not to desire it. They now feel that Congress has conceded what they regard as their abstract rights and that independence may be theirs when they have established a stable government and demand the redemption of the implied promise. "When that time comes," as Mr. Quezon told the Senate committee, "perhaps the Filipino people may say, 'Well we prefer to be under the United States, we prefer to be under a country which recognizes our right to be free, and gives us our opportunity to work out our own salvation under its flag.' "[45]

[45] *Hearings, Senate Committee,* 1915, p. 513.

A List of Books and Articles on the Philippines, Colonization and Colonial Problems

A LIST OF BOOKS AND ARTICLES ON THE PHILIPPINES, COLONIZATION AND COLONIAL PROBLEMS

1. COLONIZATION

ADAMS, G. B.—*Civilization During the Middle Ages.* New York, 1894.

ARNOLD, W. T.—*The Roman System of Provincial Administration to the Accession of Constantine the Great.* London, 1879.

ARTIN, YACOUB—*England in the Sudan.* Translated from the French by George Robb, with map and illustrations. London, 1911.

BALCH, T. B.—*French Colonization in North Africa.* Am. Pol. Sci. Rev., Nov., 1909.

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BLAND, J. O. P.—*Recent Events and Present Policies in China.* Philadelphia and London, 1912.

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BOURNE, E. G.—*Spain in America, 1450-1580.* New York, 1904.

BRAND, R. H.—*The Union of South Africa.* 1909.

BRODRICK, G. C.—*Political Studies (Roman Colonies).* London, 1879.

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BRUNIALTI—*Le Colonie degli Italiani.* Torino, 1897.

BRYCE, JAMES—*Studies in History and Jurisprudence.* Oxford Press, 1901.

BRYCE, JAMES—*Impressions of South Africa.* 1897.

CABATON, A.—*Java, Sumatra and the Other Islands of the Dutch East Indies.* Translated, with a preface by Bernard Miall. Map and illustrations. London, 1911.

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COLQUHOUN, A. R.—*China in Transformation.* 1898.

COLVIN, SIR A.—*The Making of Modern Egypt.* Second edition. London, 1906.

COTTON, SIR HENRY—*Indian and Home Memories.* London, 1911. Particularly valuable for its sympathetic account of the nationalist movement in India.

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DAY, CLIVE—*The Policy and Administration of the Dutch in Java.* New York, 1904.

DAY, CLIVE—*A History of Commerce.* New York and London, 1907.
DICEY, E.—*The Story of the Khedivate.* 1902.
DILKE, SIR CHARLES WENTWORTH—*Problems of Greater Britain.* Fourth edition, revised, with maps. 1890.
DOUGLAS, SIR ROBERT K.—*Europe and the Far East.* 1904.
DRIAULT, EDOUARD—*La Question d'Extrême Orient.* 1908.
EDGERTON, HUGH EDWARD—*The Origin and Growth of the English Colonies and Their System of Government.* An Introduction to Lucas' Historical Geography of the British Colonies. Oxford, 1904.
EDGERTON, HUGH EDWARD—*A Short History of British Colonial Policy.* Second edition, revised. London, 1908.
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FRANCOIS, GEORGES, ET ROUGET, FERNAND—*Manuel de Législation Coloniale.* Paris, 1909.
FRANK, TENNEY—*Roman Imperialism.* New York, 1914.
FRASER, LOVAT—*India Under Lord Curzon and After.* London, 1911.
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HAZEN, C. D.—*Europe Since 1815.* New York, 1910.
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KELLER, ALBERT GALLOWAY—*Colonization, A Study of the Founding of New Societies.* New York, 1908.
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KIDD, BENJAMIN—*Principles of Western Civilization.* New York, 1902.
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LEROY-BEAULIEU, P.—*De la Colonisation chez les Peuples Modernes.* Fifth edition. Two volumes. Paris, 1902.
LEWIS, SIR GEORGE CORNEWALL—*An Essay on the Government of Dependencies.* Edited, with an introduction, by C. P. Lucas. Oxford, 1891.
LOW, SIDNEY—*Egypt in Transition.* London, 1914.
LOWE, I.—*Prince Bismarck.* Two volumes. New York, 1886.
LUCAS, SIR C. P.—*Lord Durham's Report on the Affairs of British North America.* Edited, with an introduction, by Sir C. P. Lewis. Three volumes. Oxford, 1912.
LUCAS, C. P.—*A Historical Geography of the British Colonies.* Second edition, revised by R. E. Stubbs. Six volumes. Oxford, 1906.
LYALL, SIR ALFRED—*The Rise and Expansion of the British Dominion in India.* Fifth edition, corrected, with maps. London, 1910.
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MORLEY, JOHN—*Life of William Ewart Gladstone.* Two volumes. London, 1903.
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OKUMA, COUNT SHIGENOBU—*Fifty Years of New Japan.* English version by Marcus B. Huish. Two volumes. New York, 1909.
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REINSCH, PAUL S.—*Intellectual and Political Currents in the Far East.* Boston, 1911.
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RICHMAN, IRVING BERDINE—*California under Spain and Mexico, 1535-1847,* with maps, charts and plans. Boston, 1911.
ROBINSON, SIR J.—*The Colonies and the Century.* New York, 1899.
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SNOW, ALPHEUS H.—*The Administration of Dependencies.* A study of the evolution of the Federal Empire, with special reference to American Colonial problems. New York, 1902.
STEPHEN, LESLIE—*The Life of Sir James Fitzjames Stephen,* 1895.
STRACHEY, SIR JOHN—*India, Its Administration and Progress.* Fourth edition, revised by Sir Thomas W. Holderness. London, 1911.
TILBY, A. WYATT—*The English People Overseas.* Three volumes. Volume I. London, 1908.
TOWNSEND, MEREDITH—*Asia and Europe.* Third edition. New York, 1910.
TREVELYAN, G. M.—*The Life of John Bright.* Boston, 1913.
VILLARI, LUIGI—*Italy after the Libian War.* Fortnightly Rev., Nov., 1913.
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WORSFOLD, W. BASIL—*Lord Milner's Work in South Africa,* from its commencement in 1897 to the Peace of Vereeniging, in 1902. New York, 1906.
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ZIMMERMAN, ALFRED—*Die Europaischen Kolonien,* with maps and bibliographies. In course of publication. Five volumes have been published. 1895-1903.

2. THE PHILIPPINES

(a) Books and Important Pamphlets

Volume 53 of Blair and Robertson's *The Philippine Islands* is devoted to bibliography. The collection of titles is very complete to date of publication. See also the following:

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Nos. of acts.	Dates of acts.	War Department reports.		
		Year.	Vol.	Part.
1–263.....	Sept. 12, 1900–Oct. 11, 1901.....	1901	1	10
264–424.....	Oct. 14, 1901–July 1, 1902.....	1902	11	
425–949.....	July 2, 1902–Oct. 20, 1903.....	1903	8	
950–1251.....	Oct. 21, 1903–Oct. 20, 1904.....	1904	14	
1252–1407....	Oct. 26, 1904–Oct. 26, 1905.....	1905	14	
1408–1538....	Nov. 3, 1905–Sept. 8, 1906.....	1906	10	
1539–1800....	Sept. 16, 1906–Oct. 12, 1907.....	1907	10	

Act numbered 1800 is the last enacted by the Philippine Commission exercising exclusively the legislative function of government. The Philippine Assembly convened on Oct. 16, 1907, and since that date in accordance with sec. 7 of the Act of Congress of July 1, 1902, all the legislative power theretofore conferred on the Philippine Commission is vested in a Legislature consisting of two houses, the Philippine Commission and the Philippine Assembly.

Laws Passed by the Philippine Legislature and the Philippine Commission.

No. of legislature.	Session.	Date.	Acts Nos.
1	1st and special..	Oct. 16, 1907–Aug. 22, 1908.....	1801–1878
1	2d	Aug. 23, 1908–June 26, 1909.....	1879–1959
2	Special.....	July 28, 1909–June 9, 1910.....	1960–1994
2	1st.....	June 10, 1910–Oct. 3, 1911.....	1995–2075
2	2d and special..	Oct. 4, 1911–June 18, 1912.....	2076–2187
3	1st and special..	Oct. 16, 1912–Feb. 11, 1913.....	2188–2287

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Speech of Chas. H. Dietrich, of Nebr. [in Senate] Feb. 13, 1903 [including compilation of tables and data by Truman G. Palmer]. 112 pages. (57th Cong., 2d sess. S. Doc. 186. Bound with other docs.; serial no. 4428.)

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Claims accounts of an uprising in Manila had no foundation but the arrest of a small band of Christmas Eve celebrators.

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Jute industry, considered in relation to its introduction into the Philippines.
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APPENDIX B.—Summary of principal events connected with military operations in Philippine Islands Sept., 1900, to June, 1901, and distribution of troops in Islands.

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Useful information concerning Philippine public forests and possibilities for their exploitation. 1909. 12 pages, map. (Philippine Commission. Forestry Circular 4.)

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Compilation of notes and reports on mineral resources, mines, and mining of Philippine Islands [with list of books and papers on Philippine geology]. In Philippine Commission Report, 1908, appendix, pages 3 to 519.

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Oct. 10, 1914. (Cong. Rec., vol. 51, no. 255, pages 18022 to 18038.)

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Report favoring H. 18459, to declare purpose of people of United States as to future political status of people of Philippine Islands and to provide more autonomous government for those islands; with Views of minority. 1914. 2 pts., 19+7 pages. (63d Cong., 2d sess., H. Rept. 1115.)

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Cline, Cyrus, of Ind. Extension of remarks, in House, Oct. 16, 1914. (Cong. Rec., vol. 51, no. 260, pages 18444 to 18446.)

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"I say it is dangerous to turn the Philippines afloat. The moment that foreign capital, coming from foreign countries, will get a foothold, that moment conflicting interests will be found."

Jones, William A., of Va. Speech in House, Sept. 28, 1914. (Cong. Rec., vol. 51, no. 244, pages 17301 to 17306.)

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Brent, C. H. Article from New York Tribune. (Cong. Rec., June 13, 1913, vol. 50, no. 44, pages 2269, 2270.)

The heading reads, "Filipinos, if free, prey to invaders—would ultimately be devoured, were United States to relinquish rule—must attain to strength—distinguished churchman suggests that severely nonpolitical commission investigate conditions—nation's reputation at stake."

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McDill, J. N. The Philippines, America's lost opportunity in the Orient. (Cong. Rec., May 12, 1913, vol. 50, no. 27, pages 1557 to 1559.)

In favor of independence for the Philippines.

Miller, Clarence B., of Minn. Speech in House, Apr. 21, 1914. (Cong. Rec., vol. 51, no. 108, pages 7529 to 7534.)

APPENDICES

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APPENDIX A

TREATY OF PEACE BETWEEN UNITED STATES AND SPAIN

To the Senate of the United States:

I transmit herewith, with a view to its ratification, a treaty of peace between the United States and Spain, signed at the city of Paris on December 10, 1898, together with the protocols and papers indicated in the list accompanying the report of the Secretary of State.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, January 4, 1899.

To the President:

The undersigned, Secretary of State, has the honor to lay before the President, with a view to its submission to the Senate if deemed proper, a treaty of peace concluded at Paris on December 10, 1898, between the United States and Spain.

Accompanying the treaty are the protocols of the conferences of the Peace Commission at Paris, together with copies of statements made before the United States commissioners, and other papers indicated in the inclosed list.

Respectfully submitted.

JOHN HAY.

DEPARTMENT OF STATE,
Washington, January 3, 1899.

The United States of America and Her Majesty the Queen Regent of Spain, in the name of her august son Don Alfonso XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as plenipotentiaries:

The President of the United States,

William R. Day, Cushman K. Davis, William P. Frye, George Gray, and Whitelaw Reid, citizens of the United States;

And Her Majesty the Queen Regent of Spain,

Don Eugenio Montero Ríos, president of the senate; Don Buenaventura

de Abarzuza, senator of the Kingdom and ex-minister of the Crown; Don José de Garnica, deputy to the Cortes and associate justice of the supreme court; Don Wenceslao Ramirez de Villa-Urrutia, envoy extraordinary and minister plenipotentiary at Brussels; and Don Rafael Cereo, general of division;

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have, after discussion of the matters before them, agreed upon the following articles:

ARTICLE I

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

ARTICLE II

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

ARTICLE III

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following line:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich, thence along the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty-five minutes (4° 45′) north latitude, thence along the parallel of four degrees and forty-five minutes (4° 45′) north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty-five minutes (119° 35′) east of Greenwich, thence along the meridian of longtitude one hundred and nineteen degrees and thirty-five minutes (119° 35′) east of Greenwich to the parallel of latitude seven degrees and forty minutes (7° 40′) north, thence along the parallel of latitude of seven degrees and forty minutes (7° 40′) north to its intersection with the one hundred and sixteenth (116th) degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth (118th) degrees meridian of longitude east of Greenwich to the point of beginning.

The United States will pay to Spain the sum of twenty million dollars ($20,000,000) within three months after the exchange of the ratifications of the present treaty.

ARTICLE IV

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

ARTICLE V

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost, the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces. The arms of the soldiers in question shall be restored to them.

Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the island of Guam, on terms similar to those agreed upon by the commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the protocol of August 12, 1898, which is to continue in force till its provisions are completely executed.

The time within which the evacuation of the Philippine Islands and Guam shall be completed shall be fixed by the two Governments. Stands of colors, uncaptured war vessels, small arms, guns of all calibers, with their carriages and accessories, powder, ammunition, live stock, and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Guam, remain the property of Spain. Pieces of heavy ordnance, exclusive of field artillery, in the fortifications and coast defenses, shall remain in their emplacements for the term of six months, to be reckoned from the exchange of ratifications of the treaty; and the United States may, in the meantime, purchase such material from Spain, if a satisfactory agreement between the two Governments on the subject shall be reached.

ARTICLE VI

Spain will, upon the signature of the present treaty, release all prisoners of war and all persons detained or imprisoned for political offenses in connection with the insurrections in Cuba and the Philippines and the war with the United States.

Reciprocally, the United States will release all persons made prisoners of war by the American forces and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

The Government of the United States will, at its own cost, return to Spain and the Government of Spain will, at its own cost, return to the United States, Cuba, Porto Rico, and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.

ARTICLE VII

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either Government or of its citizens or subjects against the other Government that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

ARTICLE VIII

In conformity with the provisions of Articles I, II, and III of this treaty, Spain relinquishes in Cuba and cedes in Porto Rico and other islands in the West Indies, in the island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways, and other immovable property which, in conformity with law, belong to the public domain and as such belong to the Crown of Spain.

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, can not in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of Provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

The aforesaid relinquishment or cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the peninsula. Where any document in such archives only in part relates to said sovereignty, a copy of such part will be furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to.

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills, and other instruments forming part of notarial protocols or files, or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.

Article IX

Spanish subjects, natives of the peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds, and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

Article X

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

Article XI

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course as citizens of the country to which the courts belong.

ARTICLE XII

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the court in which they may then be pending or in the court that may be substituted therefor.

3. Criminal actions pending on the date mentioned before the supreme court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

ARTICLE XIII

The rights of property secured by copyrights and patents acquired by Spaniards in the island of Cuba and in Porto Rico, the Philippines, and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary, and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty.

ARTICLE XIV

Spain will have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty.

ARTICLE XV

The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance dues, light dues, and tonnage duties, as it accords to its own merchant vessels not engaged in the coastwise trade.

This article may at any time be terminated on six months' notice given by either Government to the other.

ARTICLE XVI

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any Government established in the island to assume the same obligations.

ARTICLE XVII

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Paris, the tenth day of December, in the year of our Lord one thousand eight hundred and ninety-eight.

[SEAL] WILLIAM R. DAY,
[SEAL] CUSHMAN K. DAVIS,
[SEAL] WILLIAM P. FRYE,
[SEAL] GEO. GRAY,
[SEAL] WHITELAW REID,
[SEAL] EUGENIO MONTERO RIOS,
[SEAL] B. DE ABARZUZA,
[SEAL] J. DE GARNICA,
[SEAL] W. R. DE VILLA URRUTIA,
[SEAL] RAFAEL CERERO.

APPENDIX B

INSTRUCTIONS OF THE PRESIDENT TO THE SCHURMAN COMMISSION

DEPARTMENT OF STATE,
Washington, January 21, 1899.

MY DEAR SIR: I inclose herewith a copy of the instructions which the President has drawn up for the guidance of yourself and your associates as commissioners to the Philippines.

I am, with great respect, sincerely yours,

JOHN HAY.

Hon. JACOB G. SCHURMAN,
The Arlington.

EXECUTIVE MANSION,
Washington, January 20, 1899.

The SECRETARY OF STATE:

My communication to the Secretary of War, dated December 21, 1898, declares the necessity of extending the actual occupation and administration of the city, harbor, and bay of Manila to the whole of the territory which by the treaty of Paris, signed on December 10, 1898, passed from the sovereignty of Spain to the sovereignty of the United States, and the consequent establishment of military government throughout the entire group of the Philippine Islands. While the treaty has not yet been ratified, it is believed that it will be by the time of the arrival at Manila of the commissioners named below. In order to facilitate the most humane, pacific, and effective extension of authority throughout these islands, and to secure, with the least possible delay, the benefits of a wise and generous protection of life and property to the inhabitants, I have named Jacob G. Schurman, Rear-Admiral George Dewey, Major-General Elwell S. Otis, Charles Denby, and Dean C. Worcester to constitution a commission to aid in the accomplishment of these results.

In the performance of this duty, the commissioners are enjoined to meet at the earliest possible day in the city of Manila and to announce, by a public proclamation, their presence and the mission intrusted to them, carefully setting forth that, while the military government already proclaimed is to be maintained and continued so long as necessity may require, efforts will be made to alleviate the burden of taxation, to establish industrial and commer-

cial prosperity, and to provide for the safety of persons and of property by such means as may be found conducive to these ends.

The commissioners will endeavor, without interference with the military authorities of the United States now in control of the Philippines, to ascertain what amelioration in the condition of the inhabitants and what improvements in public order may be practicable, and for this purpose they will study attentively the existing social and political state of the various populations, particularly as regards the forms of local government, the administration of justice, the collection of customs and other taxes, the means of transportation, and the need of public improvements. They will report through the Department of State, according to the forms customary or hereafter prescribed for transmitting and preserving such communications, the results of their observations and reflections, and will recommend such executive action as may from time to time seem to them wise and useful.

The commissioners are hereby authorized to confer authoritatively with any persons resident in the islands from whom they may believe themselves able to derive information or suggestions valuable for the purposes of their commission, or whom they may choose to employ as agents, as may be necessary for this purpose.

The temporary government of the islands is intrusted to the military authorities, as already provided for by my instructions to the Secretary of War of December 21, 1898, and will continue until Congress shall determine otherwise. The commission may render valuable services by examining with special care the legislative needs of the various groups of inhabitants, and by reporting, with recommendations, the measures which should be instituted for the maintenance of order, peace, and public welfare, either as temporary steps to be taken immediately for the perfection of present administration, or as suggestions for future legislation.

In so far as immediate personal changes in the civil administration may seem to be advisable, the commissioners are empowered to recommend suitable persons for appointment to these offices from among the inhabitants of the islands who have previously acknowledged their allegiance to this Government.

It is my desire that in all their relations with the inhabitants of the islands the commissioners exercise due respect for all the ideals, customs, and institutions of the tribes which compose the population, emphasizing upon all occasions the just and beneficent intentions of the Government of the United States. It is also my wish and expectation that the commissioners may be received in a manner due to the honored and authorized representatives of the American Republic, duly commissioned on account of their knowledge, skill, and integrity as bearers of the good will, the protection, and the richest blessings of a liberating rather than a conquering nation.

WILLIAM MCKINLEY

APPENDIX C

INSTRUCTIONS OF THE PRESIDENT TO THE TAFT COMMISSION

EXECUTIVE MANSION, April 7, 1900.

The SECRETARY OF WAR,
Washington.

SIR: In the message transmitted to the Congress on the 5th of December, 1899, I said, speaking of the Philippine Islands: "As long as the insurrection continues the military arm must necessarily be supreme. But there is no reason why steps should not be taken from time to time to inaugurate govern-

ments essentially popular in their form as fast as territory is held and controlled by our troops. To this end I am considering the advisability of the return of the commission, or such of the members thereof as can be secured, to aid the existing authorities and facilitate this work throughout the islands."

To give effect to the intention thus expressed I have appointed Hon. William H. Taft, of Ohio; Prof. Dean C. Worcester, of Michigan; Hon. Luke E. Wright, of Tennessee; Hon. Henry C. Ide, of Vermont, and Prof. Bernard Moses, of California, commissioners to the Philippine Islands to continue and perfect the work of organizing and establishing civil government already commenced by the military authorities, subject in all respects to any laws which Congress may hereafter enact.

The commissioners named will meet and act as a board, and the Hon. William H. Taft is designated as president of the board. It is probable that the transfer of authority from military commanders to civil officers will be gradual and will occupy a considerable period. Its successful accomplishment and the maintenance of peace and order in the meantime will require the most perfect cooperation between the civil and military authorities in the island, and both should be directed during the transition period by the same Executive Department. The commission will therefore report to the Secretary of War, and all their action will be subject to your approval and control.

You will instruct the commission to proceed to the city of Manila, where they will make their principal office, and to communicate with the military governor of the Philippine Islands, whom you will at the same time direct to render them every assistance within his power in the performance of their duties. Without hampering them by too specific instructions, they should in general be enjoined, after making themselves familiar with the conditions and needs of the country, to devote their attention in the first instance to the establishment of municipal governments, in which the natives of the islands, both in the cities and in the rural communities, shall be afforded the opportunity to manage their own local affairs to the fullest extent of which they are capable, and subject to the least degree of supervision and control which a careful study of their capacities and observation of the workings of native control show to be consistent with the maintenance of law, order, and loyalty.

The next subject in order of importance should be the organization of government in the larger administrative divisions corresponding to counties, departments, or provinces, in which the common interests of many or several municipalities falling within the same tribal lines, or the same natural geographical limits, may best be subserved by a common administration. Whenever the commission is of the opinion that the condition of affairs in the islands is such that the central administration may safely be transferred from military to civil control, they will report that conclusion to you, with their recommendations as to the form of central government to be established for the purpose of taking over the control.

Beginning with the 1st day of September, 1900, the authority to exercise, subject to my approval, through the Secretary of War, that part of the power of government in the Philippine Islands which is of a legislative nature is to be transferred from the military governor of the islands to this commission, to be thereafter exercised by them in the place and stead of the military governor, under such rules and regulations as you shall prescribe, until the establishment of the civil central government for the islands contemplated in the last foregoing paragraph, or until Congress shall otherwise provide. Exercise of this legislative authority will include the making of rules and orders, having the effect of law, for the raising of revenue by taxes, customs duties, and imposts; the appropriation and expenditure of public funds of the islands; the establishment of an educational system throughout the islands; the establishment of a system to secure an efficient civil service; the organization and establishment of courts; the organization and establishment of

municipal and departmental governments, and all other matters of a civil nature for which the military governor is now competent to provide by rules or orders of a legislative character.

The commission will also have power during the same period to appoint to office such officers under the judicial, educational, and civil-service systems and in the municipal and departmental governments as shall be provided for. Until the complete transfer of control the military governor will remain the chief executive head of the government of the islands, and will exercise the executive authority now possessed by him and not herein expressly assigned to the commission, subject, however, to the rules and orders enacted by the commission in the exercise of the legislative powers conferred upon them. In the meantime the municipal and departmental governments will continue to report to the military governor and be subject to his administrative supervision and control, under your direction, but that supervision and control will be confined within the narrowest limits consistent with the requirements that the powers of government in the municipalities and departments shall be honestly and effectively exercised and that law and order and individual freedom shall be maintained.

All legislative rules and orders, establishments of government, and appointments to office by the commission will take effect immediately, or at such times as they shall designate, subject to your approval and action upon the coming in of the commission's reports, which are to be made from time to time as their action is taken. Wherever civil governments are constituted under the direction of the commission, such military posts, garrisons, and forces will be continued for the suppression of insurrection and brigandage, and the maintenance of law and order, as the military commander shall deem requisite, and the military forces shall be at all times subject under his orders to the call of the civil authorities for the maintenance of law and order and the enforcement of their authority.

In the establishment of municipal governments the commission will take as the basis of their work the governments established by the military governor under his order of August 8, 1899, and under the report of the board constituted by the military governor by his order of January 29, 1900, to formulate and report a plan of municipal government, of which his honor Cayetano Arellano, president of the audiencia, was chairman, and they will give to the conclusions of that board the weight and consideration which the high character and distinguished abilities of its members justify.

In the constitution of departmental or provincial governments, they will give especial attention to the existing government of the island of Negros, constituted, with the approval of the people of that island, under the order of the military governor of July 22, 1899, and after verifying, so far as may be practicable, the reports of the successful working of that government, they will be guided by the experience thus acquired, so far as it may be applicable to the condition existing in other portions of the Philippines. They will avail themselves, to the fullest degree practicable, of the conclusions reached by the previous commission to the Philippines.

In the distribution of powers among the governments organized by the commission, the presumption is always to be in favor of the smaller subdivision, so that all the powers which can properly be exercised by the municipal government shall be vested in that government, and all the powers of a more general character which can be exercised by the departmental government shall be vested in that government, and so that in the governmental system, which is the result of the process, the central government of the islands, following the example of the distribution of the powers between the States and the National Government of the United States, shall have no direct administration except of matters of purely general concern, and shall have only such supervision and control over local governments as may be neces-

sary to secure and enforce faithful and efficient administration by local officers.

The many different degrees of civilization and varieties of custom and capacity among the people of the different islands preclude very definite instruction as to the part which the people shall take in the selection of their own officers; but these general rules are to be observed: That in all cases the municipal officers, who administer the local affairs of the people, are to be selected by the people, and that wherever officers of more extended jurisdiction are to be selected in any way, natives of the islands are to be preferred, and if they can be found competent and willing to perform the duties, they are to receive the offices in preference to any others.

It will be necessary to fill some offices for the present with Americans which after a time may well be filled by natives of the islands. As soon as practicable a system for ascertaining the merit and fitness of candidates for civil office should be put in force. An indispensable qualification for all offices and positions of trust and authority in the islands must be absolute and unconditional loyalty to the United States, and absolute and unhampered authority and power to remove and punish any officer deviating from that standard must at all times be retained in the hands of the central authority of the islands.

In all the forms of government and administrative provisions which they are authorized to prescribe, the commission should bear in mind that the government which they are establishing is designed not for our satisfaction, or for the expression of our theoretical views, but for the happiness, peace, and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices, to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government.

At the same time the commission should bear in mind, and the people of the islands should be made plainly to understand, that there are certain great principles of government which have been made the basis of our governmental system which we deem essential to the rule of law and the maintenance of individual freedom, and of which they have, unfortunately, been denied the experience possessed by us; that there are also certain practical rules of government which we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and these rules of government must be established and maintained in their islands for the sake of their liberty and happiness, however much they may conflict with the customs or laws of procedure with which they are familiar.

It is evident that the most enlightened thought of the Philippine Islands fully appreciates the importance of these principles and rules, and they will inevitably within a short time command universal assent. Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules:

That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense, or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder, or ex-post-facto law shall

be passed; that no law shall be passed abridging the freedom of speech or of the press, or the rights of the people to peaceably assemble and petition the Government for a redress of grievances; that no law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.

It will be the duty of the commission to make a thorough investigation into the titles to the large tracts of land held or claimed by individuals or by religious orders; into the justice of the claims and complaints made against such landholders by the people of the island or any part of the people, and to seek by wise and peaceable measures a just settlement of the controversies and redress of wrongs which have caused strife and bloodshed in the past. In the performance of this duty the commission is enjoined to see that no injustice is done; to have regard for substantial rights and equity, disregarding technicalities so far as substantial right permits, and to observe the following rules:

That the provision of the Treaty of Paris, pledging the United States to the protection of all rights of property in the islands, and as well the principle of our own Government which prohibits the taking of private property without due process of law, shall not be violated; that the welfare of the people of the islands, which should be a paramount consideration, shall be attained consistently with this rule of property right; that if it becomes necessary for the public interest of the people of the islands to dispose of claims to property which the commission finds to be not lawfully acquired and held disposition shall be made thereof by due legal procedure, in which there shall be full opportunity for fair and impartial hearing and judgment; that if the same public interests require the extinguishment of property rights lawfully acquired and held due compensation shall be made out of the public treasury therefor; that no form of religion and no minister of religion shall be forced upon any community or upon any citizen of the islands; that upon the other hand no minister of religion shall be interfered with or molested in following his calling, and that the separation between state and church shall be real, entire, and absolute.

It will be the duty of the commission to promote and extend, and, as they find occasion, to improve, the system of education already inaugurated by the military authorities. In doing this they should regard as of first importance the extension of a system of primary education which shall be free to all, and which shall tend to fit the people for the duties of citizenship and for the ordinary avocations of a civilized community. This instruction should be given in the first instance in every part of the islands in the language of the people. In view of the great number of languages spoken by the different tribes, it is especially important to the prosperity of the islands that a common medium of communication may be established, and it is obviously desirable that this medium should be the English language. Especial attention should be at once given to affording full opportunity to all the people of the islands to acquire the use of the English language.

It may be well that the main changes which should be made in the system of taxation and in the body of the laws under which the people are governed, except such changes as have already been made by the military government, should be relegated to the civil government which is to be established under the auspices of the commission. It will, however, be the duty of the commission to inquire diligently as to whether there are any further changes which ought not be delayed; and if so, they are authorized to make such changes, subject to your approval. In doing so they are to bear in mind that taxes which tend to penalize or repress industry and enterprise are to be avoided; that provisions for taxation should be simple, so that they may be

understood by the people; that they should affect the fewest practicable subjects of taxation which will serve for the general distribution of the burden.

The main body of the laws which regulate the rights and obligations of the people should be maintained with as little interference as possible. Changes made should be mainly in procedure, and in the criminal laws to secure speedy and impartial trials, and at the same time effective administration and respect for individual rights.

In dealing with the uncivilized tribes of the islands the commission should adopt the same course followed by Congress in permitting the tribes of our North American Indians to maintain their tribal organization and government, and under which many of those tribes are now living in peace and contentment, surrounded by a civilization to which they are unable or unwilling to conform. Such tribal governments should, however, be subjected to wise and firm regulation; and, without undue or petty interference, constant and active effort should be exercised to prevent barbarous practices and introduce civilized customs.

Upon all officers and employés of the United States, both civil and military, should be impressed a sense of the duty to observe not merely the material but the personal and social rights of the people of the islands, and to treat them with the same courtesy and respect for their personal dignity which the people of the United States are accustomed to require from each other.

The articles of capitulation of the city of Manila on the 13th of August, 1898, concluded with these words:

"This city, its inhabitants, its churches and religious worship, its educational establishments, and its private property of all descriptions, are placed under the special safeguard of the faith and honor of the American army."

I believe that this pledge has been faithfully kept. As high and sacred an obligation rests upon the Government of the United States to give protection for property and life, civil and religious freedom, and wise, firm, and unselfish guidance in the paths of peace and prosperity to all the people of the Philippine Islands. I charge this commission to labor for the full performance of this obligation, which concerns the honor and conscience of their country, in the firm hope that through their labors all the inhabitants of the Philippine Islands may come to look back with gratitude to the day when God gave victory to American arms at Manila and set their land under the sovereignty and the protection of the people of the United States.

WILLIAM MCKINLEY.

APPENDIX D

AGUINALDO'S PROCLAMATION ON HIS ARRIVAL AT CAVITE

MY BELOVED COUNTRYMEN: I accepted the agreement of peace proposed by Don Pedro A. Paterno after his consultation with the Captain-General of the islands (Philippines), agreeing in consequence thereof to surrender our arms and disband the troops under my immediate command under certain conditions, as I believed it more advantageous for the country than to sustain the insurrection, for which I had but limited resources, but as some of the said conditions were not complied with, some of the bands are discontented and have not surrendered their arms. Five months have elapsed without the inauguration of any of the reforms which I asked in order to place our country on a level with civilized people—for instance, our neighbor, Japan, which in the short space of twenty years has reached a point where she has no reason to envy any one, her strength and ascendency being shown in the last war with China. I see the impotence of the Spanish Government to con-

tend with certain elements which oppose constant obstacles to the progress of the country itself and whose destructive influence has been one of the causes of the uprising of the masses, and as the great and powerful North American nation has offered its disinterested protection to secure the liberty of this country, I again assume command of all the troops in the struggle for the attainment of our lofty aspirations, inaugurating a dictatorial government to be administered by decrees promulgated under my sole responsibility and with the advice of distinguished persons until the time when these islands, being under our complete control, may form a constitutional republican assembly and appoint a president and cabinet, into whose hands I shall then resign the command of the islands.

Given at Cavite, May 24, 1898. EMILIO AGUINALDO.

APPENDIX E

AGUINALDO'S PROCLAMATION OF JUNE 18, 1898, ESTABLISHING THE DICTATORIAL GOVERNMENT[1]

To the Philippine Public:

Circumstances have providentially placed me in a position for which I can not fail to recognize that I am not properly qualified; but since I can not violate the laws of Providence nor decline the obligations which honor and patriotism impose upon me, I now salute you, oh, my beloved people.

I have proclaimed in the face of the whole world that the aspiration of my whole life, the final object of all my efforts and strength, is nothing else but your independence, for I am firmly convinced that that constitutes your constant desire, and that independence signifies for us redemption from slavery and tyranny, regaining our liberty and entrance into the concert of civilized nations.

I understand, on the other hand, that the first duty of every government is to faithfully interpret popular aspirations; with this motive, although the abnormal circumstances of the war have compelled me to institute this dictatorial government which assumes full powers, both civil and military, my constant desire is to surround myself with the most distinguished persons of each province, those that by their conduct deserve the confidence of their province, to the end that the true necessities of each being known by them, measures may be adopted to meet those necessities and apply the remedies in accordance with the desires of all.

I understand, moreover, the urgent necessity of establishing in each town a solid and robust organization, the strongest bulwark of public security and the sole means of securing that union and discipline which are indispensable for the establishment of the republic, that is, government of the people for the people, and warding off the international conflicts which may arise.

Following out the foregoing considerations, I decree as follows:

ARTICLE I. The inhabitants of every town where the forces of the Spanish Government still remain will decide upon the most efficacious measures to combat and destroy them, according to the resources and means at their disposal, according to prisoners of war the treatment most conformable to humanitarian sentiments and to the customs observed by civilized nations.

ART. II. As soon as the town is freed from Spanish domination, the inhabitants most distinguished for high character, social position, and honorable conduct, both in the center of the community and in the suburbs, will come together in a large meeting, in which they will proceed to elect, by a majority of votes, the chief of the town and a headman for each suburb,

[1] Senate Doc. 62, part 1, 55th Cong., 3d sess., 1898–99, pp. 432–437.

considering as suburbs not only those hitherto known as such, but also the center of the community.

All those inhabitants who fulfill the conditions above named will have the right to take part in this meeting and to be elected, provided always that they are friendly to the Philippine independence and are 20 years of age.

ART. III. In this meeting shall also be elected, by a majority of votes, three delegates, one of police and internal order, another of justice and civil registry, and another of taxes and property.

The delegate of justice and civil registry will aid the chief in the formation of courts and in keeping of books of registry, of births, deaths, and marriage contracts, and of the census.

The delegates of taxes and property will aid the chief in the collection of taxes and administration of public funds, the opening of books of registry of cattle and real property, and all work relating to encouragement of every class of industry.

ART. IV. The chief, as president, with the headman and the above-mentioned delegates, will constitute the popular assemblies, who will supervise the exact fulfillment of the laws in force and the particular interests of each town.

The headman of the center of the community will be the vice-president of the assembly and the delegate of justice its secretary.

The headmen will be delegates of the chief within their respective boundaries.

ART. V. The chiefs of each town, after consulting the opinion of their respective assemblies, will meet and elect by a majority of votes the chief of the province and three councilors for the three branches above mentioned.

The chief of the province as president, the chief of the town which is the capital of the province as vice-president, and the above-named councilors will constitute the provincial council, which will supervise the carrying out of the instructions of this government in the territory of the province and for the general interest of the province, and will propose for this government the measures which should be adopted for the general welfare.

ART. VI. The above-named chiefs will also elect by a majority of votes three representatives for each one of the provinces of Manila and Cavite, two for each one of the provinces classified as terminal in Spanish legislation, and one for each one of the other provinces and politico-military commands of the Philippine Archipelago.

The above-named representatives will guard the general interests of the archipelago and the particular interests of their respective provinces, and will constitute the revolutionary congress which will propose to this government the measures concerning the preservation of internal order and external security of these islands, and will be heard by this government on all questions of grave importance, the decision of which will admit of delay or adjournment.

ART. VII. Persons elected to any office whatsoever in the form prescribed in the preceding article can not perform the same without the previous confirmation by this government, which will give it in accordance with the certificates of election.

Representatives will establish their identity by exhibiting the above-named certificates.

ART. VIII. The military chiefs named by this government in each province will not intervene in the government and administration of the province. but will confine themselves to requesting of the chiefs of provinces and of the towns the aid which may be necessary, both in men and resources, which are not to be refused in case of actual necessity.

Nevertheless, when the province is threatened or occupied by the enemy,

in whole or in part, the military chief of highest rank therein may assume the powers of the chief of the province until the danger has disappeared.

ART. IX. The government will name for each province a commissioner specially charged with establishing therein the organization prescribed in this decree in accordance with instructions which this government will communicate to him. Those military chiefs who liberate the towns from the Spanish domination are commissioners by virtue of their office.

The above-named commissioners will preside over the first meetings held in each town and in each province.

ART. X. As soon as the organization provided in the decree has been established, all previous appointments to any civil office whatsoever, no matter what their origin or source, shall be null and void, and all instructions in conflict with the foregoing are hereby annulled.

Given at Cavite the 18th day of June, 1898. EMILIO AGUINALDO.

APPENDIX F

AGUINALDO'S PROCLAMATION OF JUNE 23, ESTABLISHING THE REVOLUTIONARY GOVERNMENT[1]

Don Emilio Aguinaldo y Famy, president of the revolutionary government of the Philippines and general in chief of its army.

This government desiring to demonstrate to the Philippine people that one of its ends is to combat with a firm hand the inveterate vices of the Spanish administration, substituting for personal luxury and that pompous ostentation which have made it a mere matter of routine, cumbrous and slow in its movements, another administration more modest, simple, and prompt in performing the public service, I decree as follows:

CHAPTER I

Of the Revolutionary Government

ARTICLE I. The dictatorial government will be entitled hereafter the revolutionary government, whose object is to struggle for the independence of the Philippines until all nations, including the Spanish, shall expressly recognize it, and to prepare the country so that a true republic may be established.

The dictator will be entitled hereafter president of the revolutionary government.

ART. II. Four secretaryships of government are created, one of foreign affairs, navy, and commerce; another of war and public works; another of police and internal order, justice, education, and hygiene; and another of finance, agriculture, and manufacturing industry.

The government may increase this number of secretaryships when it shall find in practice that this distribution is not sufficient for the multiplied and complicated necessities of the public service.

ART. III. Each secretaryship shall aid the president in the administration of questions concerning the different branches which it comprises.

At the head of each one shall be a secretary, who shall not be responsible for the decrees of the presidency, but shall sign them with the president to give them authority.

But if it shall appear that the decree has been promulgated on the propo-

[1] Senate Doc. No. 62, part 1, 55th Cong. 3d sess., 1898–99, pp. 433–437.

sition of the secretary of the department, the latter shall be responsible conjointly with the president.

ART. IV. The secretaryship of foreign affairs will be divided into three bureaus, one of diplomacy, another of navy, and another of commerce.

The first bureau will study and dispose of all questions pertaining to management of diplomatic negotiations with other powers and the correspondence of the government with them; the second will study all questions relating to the formation and organization of our navy, and the fitting out of such expeditions as the necessities of the revolution may require; and the third will have charge of everything relating to the internal and external commerce and the preliminary work which may be necessary for making treaties of commerce with other nations.

ART. V. The secretaryship of war will be divided into two bureaus—one of war, properly speaking, and the other of public works.

The first bureau will be subdivided into four sections—one of campaigns, another of military justice, another of military administration, and another of military health.

The section of campaigns will have charge of the appointment and formation of the certificates of enlistment and service of all who serve in the revolutionary militia; of the direction of campaigns; the preparation of plans, works of fortification, and preparing reports of battles; of the study of military tactics for the army, and the organization of the general staff, artillery and cavalry; and finally, of the determination of all the other questions concerning the business of campaigns and military operations.

The section of military justice will have charge of everything relating to courts of war and military tribunals, the appointment of judges and counsel, and the determination of all questions of military justice. The section of military administration will be charged with the furnishing of food and other supplies necessary for the use of the army, and the section of military health will have charge of everything relating to the hygiene and healthfulness of the militia.

ART. VI. The other secretaryships will be divided into such bureaus as their branches may require, and each bureau will be subdivided into sections according to the nature and importance of the work it has to do.

ART. VII. The secretary will inspect and supervise all the work of his secretaryship, and will determine all questions with the president of the government.

At the head of each bureau will be a director, and in each section an officer provided with such number of assistants and clerks as may be specified.

ART. VIII. The president will appoint the secretaries of his own free choice, and in concert with them will appoint all the subordinate officials of each secretaryship.

In order that in the choice of persons it may be possible to avoid favoritism it must be fully understood that the good name of the country and the triumph of the revolution require the services of persons truly capable.

ART. IX. The secretaries may be present at the revolutionary congress, in order that they may make any motion in the name of the president, or may be interpellated publicly by any one of the representatives; but when the question which is the object of the motion shall be put to vote, or after the interpellation is ended, they shall leave and shall not take part in the vote.

ART. X. The president of the government is the personification of the Philippine people, and in accordance with this idea it shall not be possible to hold him responsible while he fills the office.

His term of office shall last until the revolution triumphs, unless under extraordinary circumstances he shall feel obliged to offer his resignation to congress, in which case congress will elect whomsoever it considers most fit.

CHAPTER II

Of the Revolutionary Congress

ART. XI. The revolutionary congress is the body of representatives of the provinces of the Philippine Archipelago, elected in the manner prescribed in the decrees of the 18th of the present month.

Nevertheless, if any province shall not be able as yet to elect representatives because the greater part of its towns shall have not yet been able to liberate themselves from Spanish domination, the government shall have power to appoint, as provisional representatives for this province, those persons who are most distinguished for high character and social position, in such numbers as are prescribed by the above-named decree; provided, always, that they are natives of the province which they represent, or have resided therein for a long time.

ART. XII. The representatives having met at the town which is the seat of the revolutionary government, and in the building which may be designated, will proceed to its preliminary labors, designating by plurality of votes a commission composed of five individuals charged with examining documents accrediting each representative, and another commission composed of three individuals, who will examine the documents which the five of the former commission exhibit.

ART. XIII. On the following day the above-named representatives will meet again, and the two commissions will read their respective reports concerning the legality of the said documents, deciding by an absolute majority of votes on the character of those which appear doubtful.

This business completed, it will proceed to designate, also by absolute majority, a president, a vice-president, and two secretaries, who shall be chosen from among the representatives, whereupon the congress shall be considered organized and shall notify the government of the result of the election.

ART. XIV. The place where congress deliberates is sacred and inviolable, and no armed force shall enter therein unless the president thereof shall ask therefor in order to establish internal order disturbed by those who can neither honor themselves nor its august functions.

ART. XV. The powers of congress are: To watch over the general interest of the Philippine people, and carrying out of the revolutionary laws; to discuss and vote upon said laws; to discuss and approve, prior to their ratification, treaties and loans; to examine and approve the accounts presented annually by the secretary of finance, as well as extraordinary and other taxes which may hereafter be imposed.

ART. XVI. Congress shall also be consulted in all grave and important questions, the determination of which admit of delay or adjournment; but the president of the government shall have power to decide questions of urgent character, but in that case he shall give account by message to said body of the decision which he has adopted.

ART. XVII. Every representative shall have power to present to congress any project of law, and every secretary, on the order of the president of the government, shall have similar power.

ART. XVIII. The sessions of congress shall be public, and only in cases which require reserve shall it have power to hold a secret session.

ART. XIX. In the order of its deliberations, as well as in the internal government of the body, the instructions which shall be formulated by the congress itself shall be observed.

The president shall direct the deliberations and shall not vote except in case of a tie, when he shall have the casting vote.

ART. XX. The president of the government shall not have power to interrupt in any manner the meetings of congress nor embarrass its sessions.

ART. XXI. The congress shall designate a permanent commission of justice, which shall be presided over by the auxiliary vice-president or each of the secretaries, and shall be composed of those persons and seven members elected by plurality of votes from among the representatives. This commission shall judge on appeal the criminal cases tried by the provincial courts, and shall take cognizance of and have original jurisdiction in all cases against the secretaries of the government, the chiefs of provinces and towns, and the provincial judges.

ART. XXII. In the office of the secretary of congress shall be kept a book of honor, wherein shall be recorded special services rendered the country and considered as such by said body. Every Filipino, whether in the military or civil service, may petition congress for notation in said book, presenting duly accredited documents describing the service rendered by him on behalf of the country since the beginning of the present revolution. For extraordinary services which may be rendered hereafter the government will propose said notation, accompanying the proposal with the necessary documents justifying it.

ART. XXIII. The congress will also grant on the proposal of the government rewards in money, which can be given only once, to the families of those who were victims of their duty and patriotism as a result of extraordinary acts of heroism.

ART. XXIV. The acts of congress shall not take effect until the president of the government orders their fulfillment and execution. Whenever the said president shall be of the opinion that any act is unsuitable, or against public policy, or pernicious, he shall explain to congress the reasons against its execution, and if the latter shall insist on its passage, the president shall have power to oppose his veto under his most rigid responsibility.

CHAPTER III

Of Military Courts and Justice

ART. XXV. When the chiefs of military detachments have notice that any soldier has committed or has perpetrated any act of those commonly considered as military crimes, he shall bring it to the knowledge of the commandant of the zone, who shall appoint a judge and a secretary, who shall begin suit in the form prescribed in the instructions dated the 20th of the present month. If the accused shall be of the grade of lieutenant or higher, the said commandant shall himself be the judge, and if the latter shall be the accused the senior commandant of the province shall name as judge an officer who holds a higher grade, unless the same senior commandant shall himself have brought the suit. The judge shall always be a field officer.

ART. XXVI. On the conclusion of the preliminary hearing the senior commandant shall designate three officers of equal or higher rank to the judge, and the military court shall consist of said officers, the judge, the councilor, and the president. The latter shall be the commandant of the zone if the accused be of the grade of lieutenant or higher. This court shall conduct the trial in the form customary in the provincial courts, but the judgment shall be appealable to the higher courts of war.

ART. XXVII. The superior court shall be composed of six members, who shall hold rank not less than brigadier-generals, and the judge-advocate. If the number of generals present in the capital of the revolutionary government shall not be sufficient, the deficiency shall be supplied by representatives designated and commissioned by congress. The president of the court shall be the general having the highest rank of all, and should there be more than

one having equal rank, the president shall be elected from among them by absolute majority of votes.

ART. XXVIII. The superior court shall have jurisdiction in all cases affecting the higher commandants, the commandants of zones, and all officers of the rank of major and higher.

ART. XXIX. Commit military crimes: First, those who fail to grant the necessary protection to foreigners, both in their persons and property, and those who similarly fail to afford protection to hospitals and ambulances, including persons and effects which may be found in possession of one or the other, and those engaged in the service of the same, provided always they commit no hostile act; second, those who fail in the respect due to the lives, money, and jewels of enemies who lay down their arms, and of prisoners of war; third, Filipinos who place themselves in the service of the enemy, acting as spies or disclosing to them secrets of war and the plans of the revolutionary positions and fortifications, and those who present themselves under a flag of truce without justifying properly their office and their personality; and fourth, those who fail to recognize a flag of truce duly accredited in the form prescribed by international law.

Will commit also military crimes: Those who conspire against the unity of the revolutionists, provoking rivalry between chiefs, and forming divisions and armed bands; second, those who solicit contributions without authority of the government and misappropriate the public funds; third, those who desert to the enemy, or are guilty of cowardice in the presence of the enemy, being armed; and fourth, those who seize the property of any person who has done no harm to the revolution, violate women, and assassinate or inflict serious wounds on unarmed persons, and who commit robberies and arson.

ART. XXX. Those who commit the crimes enumerated will be considered as declared enemies of the revolution, and will incur the penalties prescribed in the Spanish Penal Code, and in the highest grade.

If the crime shall not be found in the said code the offender shall be imprisoned until the revolution triumphs, unless the result of this shall be an irreparable damage, which, in the judgment of the tribunal, shall be a sufficient cause for imposing the penalty of death.

Additional Clauses

The government will establish abroad a revolutionary committee composed of a number, not yet determined, of persons most competent in the Philippine Archipelago. This committee will be divided into three delegations —one of diplomacy, another of the navy, and another of the army.

The delegation of diplomacy will arrange and conduct negotiations with foreign cabinets with a view to the recognition of the belligerency and independence of the Philippines.

The delegation of the navy will be charged with the studying and organizing of the Philippine navy, and preparing the expenditures which the necessities of the revolution may require.

The delegation of the army will study military tactics and the best form of organization for the general staff, artillery, and engineers, and whatever else may be necessary in order to fit out the Philippine army under the conditions required by modern progress.

ART. XXXII. The government will issue the necessary instructions for the proper execution of the present decree.

ART. XXXIII. All the decrees of the dictatorial government in conflict with the foregoing are hereby annulled.

Given at Cavite the 23d of June, 1898. EMILIO AGUINALDO.

APPENDIX G

THE CONSTITUTION OF THE PHILIPPINE REPUBLIC[1]

POLITICAL CONSTITUTION

Presidency of the Revolutionary Government of Philippines

Don EMILIO AGUINALDO Y FAMY, President of the Revolutionary Government of Philippines and Captain-General and Commander in Chief of the Army.

Know all Philippine citizens: That the assembly of representatives of the nation, using its sovereignty, has decreed, and I have sanctioned, the political constitution of the estate.

Therefore I command all the military and civil authorities of any class or rank to keep it and cause it to be kept, complied with, and executed in all its parts, because it is the sovereign will of the Philippine people.

Done at Mololos on the 21st day of January in the year eighteen hundred and ninety-nine.

EMILIO AGUINALDO.

The President of the Council:
APOLINARIO MABINI.

We, the representatives of the Philippine people, lawfully invoked, in order to establish justice, provide for common defense, promote general welfare, and insure the benefits of freedom, imploring the aid of the Sovereign Legislator of the Universe in order to attain these purposes, have voted, decreed, and sanctioned the following—

POLITICAL CONSTITUTION

FIRST TITLE

The Republic

ARTICLE 1. The political association of all the Filipinos constitutes a nation, the estate of which is denominated Philippine Republic.

ART. 2. The Philippine Republic is free and independent.

ART. 3. Sovereignty resides exclusively in the people.

SECOND TITLE

The Government

ART. 4. The government of the republic is popular, representative, alternative and responsible, and is exercised by three distinct powers, which are denominated legislative, executive and judicial. Two or more of these powers shall never be vested in one person or corporation; neither shall the legislature be vested in one individual alone.

THIRD TITLE

Religion

ART. 5. The state recognizes the equality of all religious worships and the separation of the church and the state.

[1] See an article in *The Filipino People*, Sept., 1914, by Jorge Bocobo, on "Filipe Calderon and the Malolos Constitution."

FOURTH TITLE

The Filipinos and Their National and Individual Rights

ART. 6. The following are Filipinos:

1. All persons born in Philippine territory. A vessel flying the Philippine flag shall, for this purpose, be considered a portion of the Philippine territory.

2. The offspring of a Filipino father and mother although born outside the Philippine territory.

3. Foreigners who have obtained certificates of naturalization.

4. Those who, without it, may have gained "vecindad" (residence) in any town of the Philippine territory.

It is understood that residence is gained by staying two years without interruption in one locality of the Philippine territory, having an open abode and known mode of living and contributing to all the charges of the nation.

The nationality of the Filipino is lost in accordance with the laws. (S. C. C., 1st Title, 1st. art.; S. C., 1st Title, 1st art.)

ART. 7. No Filipino nor foreigner shall be arrested nor imprisoned unless on account of crime, and in accordance with the laws. (S. C., 4th art.)

ART. 8. Any person arrested shall be discharged or delivered over to the judicial authority within twenty-four hours following the arrest. (S. C., 4th art.)

Any arrest shall be held without effect or shall be carried to commitment within seventy-two hours after the detained has been delivered over to a competent judge.

The party interested shall receive notice of the order which may be issued within the same time. (S. C., 4th art.)

ART. 9. No Filipino can become a prisoner unless by virtue of the mandate of a competent judge.

The decree by which may be issued the mandate shall be ratified or confirmed, having heard the presumed criminal within seventy-two hours following the act of commitment. (S. C., 5th art.)

ART. 10. No one can enter the domicile of a Filipino or foreign resident in the Philippines without his consent, except in urgent cases of fire, flood, earthquake, or other similar danger, or of unlawful aggression proceeding from within or in order to assist a person within calling for help.

Outside of these cases, the entrance in the domicile of a Filipino or foreign resident of the Philippines and the searching of his papers or effects can only be decreed by a competent judge and executed during the day.

The searching of the papers and effects shall take place always in the presence of the party interested or of an individual of his family, and, in their absence, of two resident witnesses of the same place.

Notwithstanding, when a delinquent may be found, in *"flagranti"* and pursued by the authority with its agents, may take refuge in his domicile, he may be followed into the same only for the purpose of apprehension.

If he should take refuge in the domicile of another, notification to the owner of the latter shall precede. (S. C., 6th art.)

ART. 11. No Filipino can be compelled to make change of his domicile or residence unless by virtue of an executive sentence. (S. C., 9th art.)

ART. 12. In no case can there be detained nor opened by the governing authority the correspondence confided to the post-office, nor can that of the telegraph or telephone be detained.

But, by virtue of a decree of a competent judge, can be detained any correspondence and also opened in the presence of the accused that which may be conveyed by the post-office. (S. C., 7th art.)

ART. 13. Any decree of imprisonment, of search of abode, or of detention of the correspondence written, telegraphed, or telephoned, shall be justified.

When the decree may fall short of this requisite, or when the motives in which it may be founded may be judicially declared unlawful or notoriously insufficient, the person who may have been imprisoned, or whose imprisonment may not have been ratified within the term prescribed in art. 9, or whose domicile may be forcibly entered, or whose correspondence may be detained, shall have the right to demand the responsibilities which ensue. (S. C., 8th art.)

ART. 14. No Filipino shall be prosecuted nor sentenced, unless by a judge or tribunal to whom, by virtue of the laws which precede the crime, is delegated its cognizance, and in the form which the latter prescribe. (S. C., 16th art.)

ART. 15. Any person detained or imprisoned, without the legal formalities, unless in the cases provided in this constitution, shall be discharged upon their own petition or that of any Filipino.

The laws shall determine the form of proceeding summarily in this case, as well as the personal and pecuniary penalties incurred by him who may order, execute, or cause to be executed, the illegal detention or imprisonment.

ART. 16. No person shall be deprived temporarily or permanently of his property or rights, nor disturbed in the possession of them, unless by virtue of a judicial sentence. (S. C., 10th art.)

Those functionaries who under any pretext infringe this provision shall be personally responsible for the damage caused.

ART. 17. No person shall be deprived of his property unless through necessity and common welfare, previously justified and declared by the proper authority, providing indemnity to the owner previous to the deprivation. (S. C., 10th art.)

ART. 18. No person shall be obliged to pay contribution which may not have been voted by the assembly or by the popular corporations legally authorized to impose it, and which exaction shall not be made in the form prescribed by law. (S. C., 3d art.)

ART. 19. No Filipino who may be in the full enjoyment of his civil and political rights shall be hindered in the free exercise of the same.

ART. 20. Neither shall any Filipino be deprived of:

1. The right of expressing liberally his ideas and opinions either by word or by writing, availing himself of the press or of any other similar means.

2. The right of associating himself with all the objects of human life which may not be contrary to public morality; and, finally,

3. Of the right to direct petitions, individually or collectively, to the public powers and to the authorities.

The right of petition shall not be exercised by any class of armed force. (S. C., 15th art.)

ART. 21. The exercise of the rights expressed in the preceding article shall be subject to the general provisions which regulate them.

ART. 22. Those crimes which are committed upon the occasion of the exercise of the rights granted in this title shall be punished by the tribunals in accordance with the common laws.

ART. 23. Any Filipino can found and maintain establishments of instruction or of education, in accordance with the provisions which are established.

Popular education shall be obligatory and gratuitous in the schools of the nation. (S. C., 12th art.)

ART. 24. Any foreigner may establish himself liberally in the Philippine territory, subject to the provisions which regulate the matter, exercising therein his industry or devoting himself to any profession in the exercise of which the laws may not require diplomas of fitness issued by the national authorities. (S. C., 12th art.)

ART. 25. No Filipino who is in the full enjoyment of his political and

civil rights shall be hindered from going freely from the territory, nor from removing his residence or property to a foreign country, except the obligations of contributing to the military service and the maintenance of the public taxes.

ART. 26. The foreigner who may not have become naturalized shall not exercise in the Philippines any office which may have attached to it authority or jurisdiction.

ART. 27. Every Filipino is obliged to defend the country with arms when he may be called upon by the laws, and to contribute to the expenses of the estate (government) in proportion to his property. (S. C., 13th art.)

ART. 28. The enumeration of the rights granted in this title does not imply the prohibition of any other not expressly delegated.

ART. 29. Previous authorization shall not be necessary in order to prosecute before the ordinary tribunals the public functionaries, whatever may be the crime which they commit.

A superior mandate shall not exempt from responsibility in cases of manifest infraction, clear and determinate, of a constitutional provision. In the other cases it shall exempt only the agents who may not exercise the authority.

ART. 30. The guarantees provided in articles 7, 8, 9, and 10 and 11 and paragraphs 1 and 2 of the 20th article shall not be suspended in the republic nor any part of it, unless temporarily and by means of a law, when the security of the estate shall demand it in extraordinary circumstances.

It being promulgated in the territory to which it may apply, the special law shall govern during the suspension according to the circumstances which demand it.

The latter as well as the former shall be voted in the national assembly, and in case the assembly may be closed the government is authorized to issue it in conjunction with the permanent commission without prejudice to convoking the former within the shortest time and giving them information of what may have been done.

But neither by the one nor the other law can there be suspended any other guarantees than those delegated in the first paragraph of this article nor authorizing the government to banish from the country or transport any Filipino.

In no case can the military or civil chiefs establish any other penalty than that previously prescribed by the law. (S. C., 17th art.)

ART. 31. In the Philippine republic no one can be tried by private laws nor special tribunals. No person can have privileges nor enjoy emolument which may not be compensation for public service and which are fixed by law. "El fuero de guerra y mariana" (the jurisdiction, privileges, and powers of army and navy) shall extend solely to the crimes and faults which may have intimate connection with the military and maritime discipline.

ART. 32. No Filipino can establish "mayorazgos" nor institutions "vinculadoras" (title of perpetual succession by eldest son nor institutions entailed) of property, nor accept honors, "condecoraciones" (insignia or decoration of orders) or titles of honor and nobility from foreign nations without the authorization of the government.

Neither can the government establish the institutions mentioned in the preceding paragraph, nor grant honors "condecoraciones" or titles of honor and nobility to any Filipino.

Notwithstanding the nation may reward by a special law, voted by the assembly, eminent services which may be rendered by the citizens to their country.

FIFTH TITLE

Legislative Power

ART. 33. The legislative power shall be exercised by an assembly of the representatives of the nation.

This assembly shall be organized in the form and under the conditions determined by the law which may be issued to that effect.

ART. 34. The members of the assembly shall represent the entire nation, and not exclusively those who elect them.

ART. 35. No representative shall be subjected to any imperative mandate of his electors.

ART. 36. The assembly shall meet every year. It is the prerogative of the President of the republic to convoke it, suspend and close its sessions and dissolve it, in concurrence with the same or with the permanent commission in its default, and within legal terms.

ART. 37. The assembly shall be open at least three months each year, not including in this time that which is consumed in its organization.

The President of the republic shall convoke it, at the latest, by the 15th of April.

ART. 38. In an extraordinary case he can convoke it outside of the legal period, with the concurrence of the permanent commission, and prolong the legislature, when the term does not exceed one month nor takes place more than twice in the same legislature.

ART. 39. The national assembly, together with the extraordinary representatives, shall form the constituents in order to proceed to the modification of the constitution and to the election of the new President of the republic, convoked at least one month previous to the termination of the powers of the former.

In the case of the death or of the resignation of the President of the republic, the assembly shall meet immediately by its own right and at the request of its president or of that of the permanent commission.

ART. 40. In the meantime, while the appointment of the new President of the republic proceeds, the president of the supreme court of justice shall exercise his functions, his place being filled by one of the members of this tribunal, in accordance with the laws.

ART. 41. Any meeting of the assembly which may be held outside of the ordinary period of the legislature shall be null and void. That which is provided by art. 39 is excepted, and in that the assembly is constituted a tribunal of justice, not being allowed to exercise in such case other than judicial functions.

ART. 42. The sessions of the assembly shall be public. Notwithstanding, they can be secret at the petition of a certain number of its individuals, fixed by the regulations, it being decided afterwards by an absolute majority of the votes of the members present whether the discussion of the same matter be continued in public.

ART. 43. The President of the republic shall communicate with the assembly by means of messages, which shall be read from the rostrum by a secretary of the government.

The secretaries of the government shall have entrance into the assembly, with the right to the floor whenever they ask it, and shall cause themselves to be represented in the discussion of any particular project by commissioners designated by decree of the President of the republic.

ART. 44. The assembly shall constitute itself a tribunal of justice in order to try the crimes committed against the security of the estate by the President of the republic and individuals of the Counsel of Government, by the Presi-

dent of the Supreme Court of Justice, by the Procurer-General of the nation by means of a decree of the same, or of the permanent commission in its absence, or of the President of the republic at the proposal of the Procurer-General, or of the counsel of the government.

The laws shall determine the mode of procedure for the accusation, preparation for trial, and pardon.

ART. 45. No member of the assembly can be prosecuted nor molested for the opinions which he may express nor for the votes which he may cast in the exercise of his office.

ART. 46. No member of an assembly can be prosecuted in a criminal matter without authorization of the same, or of the permanent commission, to whom shall immediately be given information of the act for proper disposition.

The arrest, detention, or apprehension of a member of the assembly can not take place without previous authorization of the same or of the permanent commission; but having once notified the assembly of the decree of arrest, shall incur responsibility if, within two days following the notification, it may not authorize the arrest or give reasons upon which its refusal is founded.

ART. 47. The national assembly shall have besides the following powers:

1. To frame regulations for its interior government.

2. To examine the legality of the elections and the legal qualifications of the members elected.

3. Upon its organization to appoint its President, Vice-President, and secretaries.

Until the assembly may be dissolved, its President, Vice-Presidents, and secretaries shall continue exercising their offices during the four legislatures; and

4. To accept the resignations presented by its members, and grant leaves of absence subject to the regulations. (S. C., 34th and 35th art.)

ART. 48. No project can become a law before being voted upon by the assembly.

In order to pass the laws there shall be required in the assembly at least a fourth part of the total number of members, whose elections may have been approved and who may have taken the oath of office.

ART. 49. No proposed law can be approved by the assembly without having been voted upon as a whole, and article by article.

ART. 50. The assemblies shall have the right of censure and each one of its members the right to be heard.

ART. 51. The proposal of the laws belongs to the President of the republic and to the assembly.

ART. 52. The representative of the assembly who accepts of the government pension, employment, or commission with a salary, shall be understood to have renounced his office.

The employment of the secretary of the government of the republic and other offices prescribed in special laws are excepted from this provision. (S. C., 31st art.)

ART. 53. The office of representative shall be for a term of four years, and those who may exercise it have the right, by way of indemnity, according to the circumstances, to a sum determined by the law.

Those who may absent themselves during the whole of the legislature shall not be entitled to this indemnity, but will recover this right if they assist in those which follow.

SIXTH TITLE

The Permanent Commission

ART. 54. The assembly, before the closing of its sessions, shall elect seven of its members in order to constitute a permanent commission during the period of its being closed, the latter obliged in its first session to designate a president and secretary.

ART. 55. The following are the functions of the permanent commission in the absence of the assembly:

1. To declare whether or not there is sufficient reason to proceed against the President of the republic, the representatives, secretaries of the government, President of the Supreme Court of Justice, and the Procurer-General in the cases provided by this constitution.

2. To convoke the assembly to an extraordinary meeting in those cases in which it should constitute a tribunal of justice.

3. To transact the business which may remain pending for consideration.

4. To convoke the assembly to extraordinary sessions when the exigency of the case may demand; and

5. To substitute the assembly in its functions in accordance with the constitution, exception being made of the right to make and pass the laws.

The permanent commission shall meet whenever it may be convoked by him who presides in accordance with this constitution.

SEVENTH TITLE

The Executive Power

ART. 56. The executive power shall reside in the President of the republic, who exercises it through his secretaries.

ART. 57. The conduct of the interests peculiar to the towns, the provinces, and of the estate belonging respectively to the popular assemblies, to the provincial assemblies, and to the active administration, with reference to laws, and upon the basis of the most ample "desceb-trakizacion" (distribution) and administrative autonomy.

EIGHTH TITLE

The President of the Republic

ART. 58. The president of the republic shall be elected by an absolute majority of votes by the assembly and the representative specially met in constitutive chamber.

His term of office shall be for four years and he will be re-eligible.

ART. 59. The President of the Republic shall have the proposal of the laws as well as the members of the assembly, and shall promulgate the laws when they have been passed and approved by the latter and shall watch over and insure their execution.

ART. 60. The power of causing the laws to be executed extends itself to all that which conduces to the conservation of public order in the interior and the international security.

ART. 61. The President of the Republic shall promulgate the laws within twenty days following the time when they have been transmitted by the assembly definitely approved.

ART. 62. If within this time they may not be promulgated, it shall devolve upon the President to return them to the assembly with justification of the causes of their detention, proceeding in such case to their revision, and it shall not be considered that it insists upon them, if it does not reproduce

them by a vote of at least two-thirds of the members of the assembly present. Reproducing the law in the form indicated the government shall promulgate it within ten days, announcing his nonconformity.

In the same manner the government shall become obligated if he allow to pass the term of twenty days without returning the law to the assembly.

ART. 63. When the promulgation of a law may have been declared urgent by a vote expressed by an absolute majority of the votes of the assembly the President can call upon them by a message, stating his reasons for a new deliberation, which can not be denied, and the same law being approved anew, shall be promulgated within the legal term, without prejudice to the President's announcing his nonconformity.

ART. 64. The promulgation of the laws shall take place by means of their publication in the official periodical of the republic and shall take effect after thirty days from the date of publication.

ART. 65. The President of the Republic shall have command of the army and navy, making and ratifying treaties of peace, with the previous concurrence of the assembly.

ART. 66. Treaties of peace shall not be binding until passed by the assembly.

ART. 67. In addition to the necessary powers for the execution of the laws, the President of the Republic shall have the following:

1. To confer civil and military employment with reference to the laws.
2. To appoint the secretaries of the government.
3. To direct diplomatic and commercial relations with foreign powers.
4. To see to it that in the entire territory may be administered speedy and complete justice.
5. To pardon delinquents in accordance with the laws, excepting the provision relative to the secretaries of the government.
6. To preside over national assemblies and to receive the envoys and representatives of the foreign powers authorized to meet him.

ART. 68. The President of the Republic shall need to be authorized by a special law:

1. In order to alienate, cede, or exchange any part of the Filipino territory.
2. In order to annex any other territory to that of the Philippines.
3. In order to admit foreign troops into the Philippine territory.
4. In order to ratify treaties of alliance, offensive and defensive; special treaties of commerce—those which stipulate to give subsidy to a foreign power—and all those which may bind individually the Filipinos.

In no case can the secret articles of a treaty derogate those which are public.

5. In order to grant amnesties and general pardons.
6. In order to coin money. (S. C., 55th art.)

ART. 69. To the President of the Republic belongs the power of dictating regulations for compliance and application of the laws in accordance with the requisites which the same prescribe. (S. C., 54th art.)

ART. 70. The President of the Republic can, with the previous concurrence adopted by a majority of the votes of the representatives, dissolve the assembly before the expiration of the legal term of its office.

In this case they shall be convoked for new elections within a term of three months.

ART. 71. The President of the Republic shall only be responsible in cases of high treason.

ART. 72. The compensation of the President of the Republic shall be fixed by a special law, which can not be changed until the end of the presidential term of office.

NINTH TITLE

The Secretaries of the Government

ART. 73. The council of the government shall be composed of a President and seven Secretaries, who shall have charge of the offices of Foreign Affairs, Interior, Treasury, Army and Navy, Public Instruction, Public Communications and Works, Agriculture, Industry, and Commerce.

ART. 74. All that which the President may order or provide in the exercise of his authority shall be signed by the Secretary to whom it belongs. No public functionary shall give compliance to any which lack this requisite.

ART. 75. The secretaries of the government are responsible jointly to the assembly for the general policy of the government and individually for their personal acts.

To the Procurer-General of the nation belongs the accusing of them, and to the assembly their trial.

The laws shall determine the cases of responsibility of the secretaries of the government, the penalties to which they are subject, and the mode of procedure against them.

ART. 76. If they should be condemned by the assembly, in order to pardon them there shall precede the petition of an absolute majority of the representatives.

TENTH TITLE

The Judicial Power

ART. 77. To the tribunals belong exclusively the power of applying the laws in the name of the nation in civil and criminal trials.

The same codes shall govern in the entire republic without prejudice to modifications which for particular circumstances the laws may prescribe.

In them shall not be established more than one jurisdiction for all the citizens in common trials, civil and criminal.

ART. 78. The tribunals shall not apply the general and municipal regulations only in so far as they conform with the laws.

ART. 79. The exercise of the judicial power resides in the Supreme Court of Justice and in the tribunals which are prescribed by the laws.

The composition, organization, and other attributes shall be governed by the organic laws which may be determined.

ART. 80. The President of the Supreme Court of Justice and the "Procurer-General" shall be appointed by the national assembly in concurrence with the President of the Republic and Secretaries of the government, and shall have absolute independence of the executive and legislative powers.

ART. 81. Any citizen can institute a public prosecution against any of the members of the judicial power for the crimes they may commit in the exercise of their office.

ELEVENTH TITLE

Provincial and Popular Assemblies

ART. 82. The organization and powers of the provincial and popular assemblies will be regulated by their respective laws.

The latter shall be regulated according to the following principles:

1. Government and management of the interests peculiar to the provinces or towns, by their respective corporations, the principle of popular and direct election being the basis for the organization of said corporations.
2. Publicity of the sessions within the limits prescribed by the laws.
3. Publicity of the budgets, accounts, and important decisions.

4. Intervention of the government, and in the proper case of the national assembly in order to prevent the provincial and municipal corporations from exceeding their powers, to the prejudice of general and individual interests.

5. Determination of their powers in the matter of taxes, in order that the provincial and municipal taxation may never be antagonistic to the system of taxation of State.

TWELFTH TITLE

The Administration of State

ART. 83. The government shall present yearly to the assembly budgets of income and expenses, setting forth the alterations made in those of the preceding year and inclosing the balance of the last fiscal year in accordance to law.

When the assembly may meet the budgets will be presented to it within ten days following its convening.

ART. 84. No payment shall be made except in accordance with the law of budgets or other special laws, in the form and under the responsibilities fixed thereby.

ART. 85. It is necessary that the government be authorized by law in order to dispose of the goods and properties of State or to secure a loan upon the credit of the nation.

ART. 86. The public debt which is contracted by the government of the republic in accordance with this constitution shall be under the special guaranty of the nation.

No indebtedness shall be created unless at the same time the resources with which to pay it are voted.

ART. 87. All the laws relating to incomes, public expenditures, or public credit shall be considered as a part of those of the budget, and shall be published as such.

ART. 88. The assembly shall fix each year, at the request of the President of the Republic, the military forces of land and sea.

THIRTEENTH TITLE

Reforms in the Constitution

ART. 89. The assembly, upon its own motion or at the proposal of the President of the Republic, can resolve the reform of the constitution, prescribing for that purpose the article or articles which should be modified.

ART. 90. The declaration made, the President of the Republic shall dissolve the assembly and convoke the "constituyente" (constituting power), which shall meet within three months following. In the convocation shall be inserted the resolution referred to in the preceding article.

FOURTEENTH TITLE

The Observance and Oath of the Constitution—Languages

ART. 91. The President of the Republic, the government, the assembly, and all the Filipino citizens, shall faithfully guard the constitution; and the legislative power, immediately after the approval of the law of budgets, shall examine as to whether the constitution has been exactly observed and as to whether its infractions have been corrected, providing that which is most practicable in order that the responsibility of the transgressors may be made effective.

ART. 92. Neither the President of the Republic nor any other public func-

tionary can enter upon the performance of his duty without previously taking the oath.

Such oath shall be taken by the President of the Republic before the national assembly.

The other functionaries of the nation shall take it before the authorities determined by law.

ART. 93. The use of the languages spoken in the Philippines is optional. It can only be regulated by the law, and solely as to the acts of public authority and judicial affairs. For the purpose of these acts shall be used at present the Castillian language.

Temporary Provisions

ART. 94. In the meantime, and without prejudice to the 48th article and the commissions which may be appointed by the assembly for the preparation of the organic laws for the development and application of the rights granted the Filipino citizens, and for the régime of the public powers determined by the constitution, the laws in force in these islands before their emancipation shall be considered as the laws of the republic.

In like manner shall be considered in force the provisions of the civil code in respect to marriage and civil registry, suspended by the general government of the islands; the instructions of the 26th of April, 1888, in order to carry into effect articles 77, 78, 79, and 82 of said code; the law of civil registry of the 17th of June, 1870, referred to by article 332 of the same, and the regulations of the 13th of December, 1870, for the execution of this law, without prejudice to the local chiefs continuing in charge of the entries in the civil registry and intervening in the celebration of the marriage of Catholics.

ART. 95. Pending the approval and enforcement of the laws referred to in the preceding article the provisions of the Spanish laws temporarily enforced by said article may be modified by special laws.

ART. 96. After promulgating the laws which the assembly may approve in accordance with the 94th article, the government of the republic is authorized to issue the decrees and regulations necessary for the immediate formation of all the organizations of state.

ART. 97. The President of the Revolutionary Government shall at once assume the title of President of the Republic, and shall exercise said office until the constituting assembly meets and elects the person who is to fill said office definitely.

ART. 98. This congress, with the members who compose it, and those who may be returned by election or decree, shall continue four years—that is to say, the whole of the present legislature, beginning the 15th of April of next year.

ART. 99. Notwithstanding the general rule established in the 2d paragraph of the 4th article, during the time the country may have to struggle for its independence the government is hereby authorized to determine, at the close of congress, whatever questions and difficulties, not provided for by law, may arise from unforeseen events, by means of decrees, which may be communicated to the permanent commission and to the assembly on its first meeting.

ART. 100. The execution of the 5th article of title 3 is hereby suspended until the meeting of the constituting assembly.

In the meantime, the municipalities of those places which may require the spiritual offices of a Filipino priest shall provide for his maintenance.

ART. 101. Notwithstanding the provisions of arts. 62 and 63, the laws returned by the President of the Republic to congress can not be reproduced until the legislature of the following year, the President and his council of government being responsible for the suspension. If the reproduction be

made, the promulgation will be compulsory within ten days, the President stating his nonconformity if he so desires.

If the reproduction be made in subsequent legislatures, it will be considered as being voted for the first time.

ADDITIONAL ARTICLE. From the 24th of May last, on which date the dictatorial government was organized in Cavite, all the buildings, properties, and other belongings possessed by the religious corporations in these islands will be understood as restored to the Filipino government.

Barasoain, January 20, 1899.

THE PRESIDENT OF THE CONGRESS.
PEDRO A. PATERNO.

The secretaries:
PABLO TECSON.
PABLO OCAMPO.

APPENDIX H

LIST OF LEADING OFFICIALS OF THE PHILIPPINE GOVERNMENT

Military Governors:

General Wesley Merritt	Commanding Department of the Pacific and Military Governor, July 25, 1898, to Aug. 30, 1898.
General Elwell S. Otis	Commanding Department of the Pacific and Military Governor of the Philippine Islands, Aug. 30, 1898, to May 5, 1900. (March, 1900, was commanding Division of the Philippine Islands and Military Governor.)
General Arthur MacArthur	Commanding Division of the Philippines and Military Governor, May 5, 1900, to July 4, 1901.
General Adna R. Chaffee	Commanding Division of the Philippine Islands and Military Governor over certain Provinces, July 4, 1901, to July 4, 1902, continuing as Commander Division of the Philippine Islands until Sept. 30, 1902.

*Governors-General:**

	Period of Service
Wm. H. Taft	July 4, 1901 — Jan. 31, 1904
Luke E. Wright	Feb. 1, 1904 — Mar. 30, 1906
Henry C. Ide	Apr. 1, 1906 — Sept. 19, 1906
James F. Smith	Sept. 20, 1906 — Nov. 10, 1909
W. Cameron Forbes	Nov. 11, 1909 — Sept. 1, 1913
Francis Burton Harrison	Sept. 2, 1913 —

Vice-Governors of Philippine Islands:

	Period of Service
Luke E. Wright	Oct. 29, 1901 — Jan. 31, 1904
Henry C. Ide	Feb. 1, 1904 — Mar. 31, 1906
W. Cameron Forbes	July 31, 1908 — Nov. 10, 1909
Newton W. Gilbert	Feb. 14, 1910 — Nov. 30, 1913
Henderson S. Martin	Dec. 1, 1913 —

* Title was "Civil Governor" from July 4, 1901, to Feb. 6, 1905, when title was changed to "Governor-General" by Act of Congress (Public 43—Feb. 6, 1905).

PHILIPPINE COMMISSIONERS

First Philippine Island Commission, Appointed January 20, 1899:

Jacob G. Schurman, Chairman.
Rear Admiral George Dewey.
Maj.-Gen. Elwell S. Otis.
Dean C. Worcester.
Charles Denby, John R. MacArthur } Secretaries.

New Philippine Islands Commission:

	Period of Service
Wm. H. Taft (President)	Mar. 16, 1900 — Jan. 31, 1904
Henry C. Ide	Mar. 16, 1900 — Sept. 19, 1906
Luke E. Wright	Mar. 16, 1900 — Mar. 30, 1906
Dean C. Worcester	Mar. 16, 1900 — Sept. 15, 1913
Bernard Moses	Mar. 16, 1900 — Dec. 31, 1902

Changes in Above:

	Period of Service
Benito Legarda	Sept. 2, 1901 — Dec. 21, 1908
T. H. Pardo de Tavera	Sept. 2, 1901 — Mar. 1, 1909
Jose R. Luzuriaga	Sept. 2, 1901 — Oct. 26, 1913
James F. Smith	Jan. 1, 1903 — Nov. 11, 1909
W. Cameron Forbes	June 16, 1904 — Sept. 1, 1913
W. Morgan Shuster	Sept. 25, 1906 — Mar. 1, 1909
Gregorio Araneta	June 30, 1908 — Oct. 26, 1913
Newton W. Gilbert	July 6, 1908 — Dec. 1, 1913
Rafael Palma	June 30, 1908 —
Juan Sumulong	Mar. 1, 1909 — Oct. 26, 1913
Frank A. Branagan	Mar. 2, 1909 — Oct. 26, 1913
Charles Burke Elliott	Feb. 10, 1910 — Dec. 6, 1912
Francis Burton Harrison	Sept. 2, 1913 —
Victorino Mapa	Oct. 27, 1913 —
Jaime C. de Veyra	Oct. 27, 1913 —
Vicente Ilustre	Oct. 27, 1913 —
Vicente Singson Encarnacion	Oct. 27, 1913 —
Henderson S. Martin	Nov. 29, 1913 —
Clinton L. Riggs	Nov. 29, 1913 — Oct. 31, 1915
Winfred T. Denison	Jan. 27, 1914 — Mar. 31, 1916
Eugene E. Reed	May 24, 1916 — Oct. —, 1916
(Vacancy.)	

The Philippine Commission was abolished by the Philippine Government Law of August 29, 1916. See Appendix I.

SECRETARIES OF DEPARTMENTS IN PHILIPPINE ISLANDS

Secretaries of Interior:

	Period of Service
Dean C. Worcester	Sept. 1, 1901 — Sept. 15, 1913
Winfred T. Denison	Jan. 27, 1914 — Mar. 31, 1916
(Vacancy.)	

Secretaries of Commerce and Police:

	Period of Service
Luke E. Wright	Sept. 1, 1901 — Jan. 31, 1904
W. Cameron Forbes	June 16, 1904 — Nov. 10, 1909
Charles Burke Elliott	Feb. 10, 1910 — Dec. 6, 1912
Clinton L. Riggs	Dec. 1, 1913 — Oct. 31, 1915
Eugene E. Reed	May 24, 1916 —

Secretaries of Finance and Justice:

	Period of Service
Henry C. Ide	Sept. 1, 1901 — Mar. 31, 1906
Gregorio Araneta	June 30, 1908 — Oct. 26, 1913
Victorino Mapa	Oct. 27, 1913 —

Secretaries of Public Instruction:

	Period of Service
Bernard Moses	Sept. 1, 1901 — Dec. 31, 1902
James F. Smith	Jan. 1, 1903 — Sept. 19, 1906
W. Morgan Shuster	Sept. 25, 1906 — Apr. 30, 1909
Newton W. Gilbert	Mar. 1, 1909 — Nov. 30, 1913
Henderson S. Martin	Dec. 1, 1913 —

These executive departments were reorganized and new departments created by the Philippine Legislature soon after the enactment of the Act of Congress of August 29, 1916. See Sec. 22 thereof, Appendix I.

MEMBERS OF THE SUPREME COURT OF THE PHILIPPINES

Chief Justice

	Period of Service
Cayetano Arellano	Sept. 26, 1900 —

Associate Justices:

	Period of Service
Joseph F. Cooper	June 15, 1901 — Oct. 18, 1904
Fletcher Ladd	June 15, 1901 — July 13, 1903
Victorino Mapa	June 15, 1901 — Sept. 30, 1913
James F. Smith	June 15, 1901 — Jan. 1, 1903
Florentino Torres	June 15, 1901 —
Charles A. Willard	June 15, 1901 — Mar. 13, 1914
John T. McDonough	Mar. 1, 1903 — July 20, 1904
E. Finlay Johnson	June 8, 1903 —
Adam C. Carson	Nov. 16, 1904 —
James F. Tracey	July 1, 1905 — Feb. 1, 1909
Sherman Moreland	Feb. 2, 1909 —
Charles Burke Elliott	June 3, 1909 — Feb. 10, 1910
Grant T. Trent	Feb. 15, 1910 —
Manuel Araullo	Nov. 29, 1913 —

All the preceding officers were appointed by the President and confirmed by the United States Senate.

DIVISION OF CUSTOMS AND INSULAR AFFAIRS[1]

Chiefs:

	Period of Service
Maj. John J. Pershing	Mar. 10, 1899 — Aug. 24, 1899
Lieut.-Col. Clarence R. Edwards	Feb. 18, 1900 — June 30, 1902

Assistant Chiefs:

	Period of Service
Capt. James G. Harbord	July 31, 1901 — Nov. 19, 1901
Capt. John Van Ness Philip	Dec. 20, 1901 — June 30, 1902

BUREAU OF INSULAR AFFAIRS (AFTER JULY 1, 1902)

Chiefs:

	Period of Service
Brig.-Gen. Clarence R. Edwards	July 1, 1902 — Aug. 15, 1912
Brig.-Gen. Frank McIntyre	Aug. 16, 1912 —

[1] The officers of this Bureau are not Philippine officials, but the business of the Government of the Philippines is under the direction of the Secretary of War, who acts through the Chief of the Bureau of Insular Affairs.

Assistant Chiefs:	Period of Service
Capt. John Van Ness Philip	July 1, 1902—June 20, 1903
Col. Frank McIntyre	Apr. 20, 1905—Aug. 16, 1912
Maj. George H. Shelton	July 16, 1908—Mar. 29, 1913
Col. Chas. C. Walcutt, Jr.	Aug. 27, 1912—
Maj. Irvin L. Hunt	Mar. 28, 1913—

APPENDIX I

THE PHILIPPINE GOVERNMENT LAW OF 1916

An Act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands.

Whereas it was never the intention of the people of the United States in the incipiency of the War with Spain to make it a war of conquest or for territorial aggrandizement; and

Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and

Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States, in order that, by the use and exercise of popular franchise and governmental powers, they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this Act and the name "The Philippines" as used in this Act shall apply to and include the Philippine Islands ceded to the United States Government by the treaty of peace concluded between the United States and Spain on the eleventh day of April, eighteen hundred and ninety-nine, the boundaries of which are set forth in Article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the seventh day of November, nineteen hundred.

SEC. 2. That all inhabitants of the Philippine Islands who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in said islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain, signed at Paris December tenth, eighteen hundred and ninety-eight, and except such others as have since become citizens of some other country: *Provided,* That the Philippine Legislature, herein provided for, is hereby authorized to provide by law for the acquisition of Philippine citizenship by those natives of the Philippine Islands who do not come within the foregoing provisions, the natives of the insular possessions of the United States, and such other persons residing in the Philippine Islands who are citizens of the United States, or who could become citizens of the United States under the laws of the United States if residing therein.

SEC. 3. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny

to any person therein the equal protection of the laws. Private property shall not be taken for public use without just compensation.

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the Governor-General, wherever during such period the necessity for such suspension shall exist.

That no ex post facto law or bill of attainder shall be enacted nor shall the law of primogeniture ever be in force in the Philippines.

That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust in said islands shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That slavery shall not exist in said islands; nor shall involuntary servitude exist therein except as a punishment for crime whereof the party shall have been duly convicted.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed; and no religious test shall be required for the exercise of civil or political rights. No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such. Contracting of polygamous or plural marriages hereafter is prohibited. That no law shall be construed to permit polygamous or plural marriages.

That no money shall be paid out of the treasury except in pursuance of an appropriation by law.

That the rule of taxation in said islands shall be uniform.

That no bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill.

That no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

That all money collected on any tax levied or assessed for a special pur-

pose shall be treated as a special fund in the treasury and paid out for such purpose only.

SEC. 4. That all expenses that may be incurred on account of the Government of the Philippines for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the islands, not, however, including defenses, barracks, and other works undertaken by the United States, shall, except as otherwise specifically provided by the Congress, be paid by the Government of the Philippines.

SEC. 5. That the statutory laws of the United States hereafter enacted shall not apply to the Philippine Islands, except when they specifically so provide, or it is so provided in this Act.

SEC. 6. That the laws now in force in the Philippines shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided or by Act of Congress of the United States.

SEC. 7. That the legislative authority herein provided shall have power, when not inconsistent with this Act, by due enactment to amend, alter, modify, or repeal any law, civil or criminal, continued in force by this Act as it may from time to time see fit.

This power shall specifically extend with the limitation herein provided as to the tariff to all laws relating to revenue and taxation in effect in the Philippines.

SEC. 8. That general legislative power, except as otherwise herein provided, is hereby granted to the Philippine Legislature, authorized by this Act.

SEC. 9. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December tenth, eighteen hundred and ninety-eight, except such land or other property as has been or shall be designated by the President of the United States for military and other reservations of the Government of the United States, and all lands which may have been subsequently acquired by the government of the Philippine Islands by purchase under the provisions of sections sixty-three and sixty-four of the Act of Congress approved July first, nineteen hundred and two, except such as may have heretofore been sold and disposed of in accordance with the provisions of said Act of Congress, are hereby placed under the control of the government of said islands to be administered or disposed of for the benefit of the inhabitants thereof, and the Philippine Legislature shall have power to legislate with respect to all such matters as it may deem advisable; but acts of the Philippine Legislature with reference to land of the public domain, timber, and mining, hereafter enacted, shall not have the force of law until approved by the President of the United States: *Provided,* That upon the approval of such an act by the Governor-General, it shall be by him forthwith transmitted to the President of the United States, and he shall approve or disapprove the same within six months from and after its enactment and submission for his approval, and if not disapproved within such time it shall become a law the same as if it had been specifically approved: *Provided further,* That where lands in the Philippine Islands have been or may be reserved for any public purpose of the United States, and, being no longer required for the purpose for which reserved, have been or may be, by order of the President, placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, the order of the President shall be regarded as effectual to give the government of said islands full control and power to administer and dispose of such lands for the benefit of the inhabitants of said islands.

SEC. 10. That while this Act provides that the Philippine government shall have the authority to enact a tariff law the trade relations between the

islands and the United States shall continue to be governed exclusively by laws of the Congress of the United States: *Provided,* That tariff acts or acts amendatory to the tariff of the Philippine Islands shall not become law until they shall receive the approval of the President of the United States, nor shall any act of the Philippine Legislature affecting immigration or the currency or coinage laws of the Philippines become a law until it has been approved by the President of the United States: *Provided further,* That the President shall approve or disapprove any act mentioned in the foregoing proviso within six months from and after its enactment and submission for his approval, and if not disapproved within such time it shall become a law the same as if it had been specifically approved.

SEC. 11. That no export duties shall be levied or collected on exports from the Philippine Islands, but taxes and assessments on property and license fees for franchises, and privileges, and internal taxes, direct or indirect, may be imposed for the purposes of the Philippine government and the provincial and municipal governments thereof, respectively, as may be provided and defined by acts of the Philippine Legislature, and, where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the Philippine government or any provincial or municipal government therein, as may be provided by law and to protect the public credit: *Provided, however,* That the entire indebtedness of the Philippine government created by the authority conferred herein shall not exceed at any one time the sum of $15,000,000, exclusive of those obligations known as friar land bonds, nor that of any Province or municipality a sum in excess of seven per centum of the aggregate tax valuation of its property at any one time.

SEC. 12. That general legislative powers in the Philippines, except as herein otherwise provided, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated "The Philippine Legislature": *Provided,* That until the Philippine Legislature as herein provided shall have been organized the existing Philippine Legislature shall have all legislative authority herein granted to the government of the Philippine Islands, except such as may now be within the exclusive jurisdiction of the Philippine Commission, which is so continued until the organization of the legislature herein provided for the Philippines. When the Philippine Legislature shall have been organized, the exclusive legislative jurisdiction and authority exercised by the Philippine Commission shall thereafter be exercised by the Philippine Legislature.

SEC. 13. That the members of the senate of the Philippines, except as herein provided, shall be elected for terms of six and three years, as hereinafter provided, by the qualified electors of the Philippines. Each of the senatorial districts defined as hereinafter provided shall have the right to elect two senators. No person shall be an elective member of the senate of the Philippines who is not a qualified elector and over thirty years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of the Philippines for at least two consecutive years and an actual resident of the senatorial district from which chosen for a period of at least one year immediately prior to his election.

SEC. 14. That the members of the house of representatives shall, except as herein provided, be elected triennially by the qualified electors of the Philippines. Each of the representative districts hereinafter provided for shall have the right to elect one representative. No person shall be an elective member of the house of representatives who is not a qualified elector and over twenty-five years of age, and who is not able to read and write either the Spanish or English language, and who has not been an actual resident of the district from which elected for at least one year immediately prior to his election: *Provided,* That the members of the present assembly elected on the

first Tuesday in June, nineteen hundred and sixteen, shall be the members of the house of representatives from their respective districts for the term expiring in nineteen hundred and nineteen.

SEC. 15. That at the first election held pursuant to this act, the qualified electors shall be those having the qualifications of voters under the present law; thereafter and until otherwise provided by the Philippine Legislature herein provided for the qualifications of voters for senators and representatives in the Philippines and all officers elected by the people shall be as follows:

Every male person who is not a citizen or subject of a foreign power twenty-one years of age or over (except insane and feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the thirteenth day of August, eighteen hundred and ninety-eight), who shall have been a resident of the Philippines for one year and of the municipality in which he shall offer to vote for six months next preceding the day of voting, and who is comprised within one of the following classes:

(a) Those who under existing law are legal voters and have exercised the right of suffrage.

(b) Those who own real property to the value of 500 pesos, or who annually pay 30 pesos or more of the established taxes.

(c) Those who are able to read and write either Spanish, English, or a native language.

SEC. 16. That the Philippine Islands shall be divided into twelve senate districts, as follows:

First district: Batanes, Cagayan, Isabela, Ilocos Norte, and Ilocos Sur.

Second district: La Union, Pangasinan, and Zambales.

Third district: Tarlac, Nueva Ecija, Pampanga, and Bulacan.

Fourth district: Bataan, Rizal, Manila, and Laguna.

Fifth district: Batangas, Mindoro, Tayabas, and Cavite.

Sixth district: Sorsogon, Albay, and Ambos Camarines.

Seventh district: Iloilo and Capiz.

Eighth district: Negros Occidental, Negros Oriental, Antique, and Palawan.

Ninth district: Leyte and Samar.

Tenth district: Cebu.

Eleventh district: Surigao, Misamis, and Bohol.

Twelfth district: The Mountain Province, Baguio, Nueva Vizcaya, and the Department of Mindanao and Sulu.

The representative districts shall be the eighty-one now provided by law, and three in the Mountain Province, one in Nueva Vizcaya, and five in the Department of Mindanao and Sulu.

The first election under the provisions of this Act shall be held on the first Tuesday of October, nineteen hundred and sixteen, unless the Governor-General in his discretion shall fix another date not earlier than thirty nor later than sixty days after the passage of this Act: *Provided,* That the Governor-General's proclamation shall be published at least thirty days prior to the date fixed for the election, and there shall be chosen at such election one senator from each senate district for a term of three years and one for six years. Thereafter one senator from each district shall be elected from each senate district for a term of six years: *Provided,* That the Governor-General of the Philippine Islands shall appoint, without the consent of the senate and without restriction as to residence, senators and representatives who will, in his opinion, best represent the senate district and those representative districts which may be included in the territory not now represented in the Philippine Assembly: *Provided further,* That thereafter elections shall be held only on such days and under such regulations as to ballots, voting, and quali-

fications of electors as may be prescribed by the Philippine Legislature, to which is hereby given authority to redistrict the Philippine Islands and modify, amend, or repeal any provision of this section, except such as refer to appointive senators and representatives.

SEC. 17. That the terms of office of elective senators and representatives shall be six and three years, respectively, and shall begin on the date of their election. In case of vacancy among the elective members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred. Senators and representatives appointed by the Governor-General shall hold office until removed by the Governor-General.

SEC. 18. That the senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their elective members, and each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel an elective member. Both houses shall convene at the capital on the sixteenth day of October next following the election and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required. A majority of each house shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. The legislature shall hold annual sessions, commencing on the sixteenth day of October, or, if the sixteenth day of October be a legal holiday, then on the first day following which is not a legal holiday, in each year. The legislature may be called in special session at any time by the Governor-General for general legislation, or for action on such specific subjects as he may designate. No special session shall continue longer than thirty days, and no regular session shall continue longer than one hundred days, exclusive of Sundays. The legislature is hereby given the power and authority to change the date of the commencement of its annual sessions.

The senators and representatives shall receive an annual compensation for their services, to be ascertained by law, and paid out of the treasury of the Philippine Islands. The senators and representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

No senator or representative shall, during the time for which he may have been elected, be eligible to any office the election to which is vested in the legislature, nor shall be appointed to any office of trust or profit which shall have been created or the emoluments of which shall have been increased during such term.

SEC. 19. That each house of the legislature shall keep a journal of its proceedings and, from time to time, publish the same; and the yeas and nays of the members of either house, on any question, shall, upon demand of one-fifth of those present, be entered on the journal, and every bill and joint resolution which shall have passed both houses shall, before it becomes a law, be presented to the Governor-General. If he approve the same, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house it shall be sent to the Governor-General, who, in case

he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by the yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same, he shall sign it and it shall become a law. If he shall not approve same, he shall return it to the Governor-General, so stating, and it shall not become a law: *Provided,* That if any bill or joint resolution shall not be returned by the Governor-General as herein provided within twenty days (Sundays excepted) after it shall have been presented to him the same shall become a law in like manner as if he had signed it, unless the legislature by adjournment prevent its return, in which case it shall become a law unless vetoed by the Governor-General within thirty days after adjournment: *Provided further,* That the President of the United States shall approve or disapprove an act submitted to him under the provisions of this section within six months from and after its enactment and submission for his approval; and if not approved within such time, it shall become a law the same as if it had been specifically approved. The Governor-General shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills and joint resolutions returned to the legislature without his approval.

All laws enacted by the Philippine Legislature shall be reported to the Congress of the United States, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be done, shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation bill; and until the legislature shall act in such behalf the treasurer shall, when so directed by the Governor-General, make the payments necessary for the purposes aforesaid.

SEC. 20. That at the first meeting of the Philippine Legislature created by this Act and triennially thereafter there shall be chosen by the legislature two Resident Commissioners to the United States, who shall hold their office for a term of three years beginning with the fourth day of March following their election, and who shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the Governor-General of said islands. Each of said Resident Commissioners shall, in addition to the salary and the sum in lieu of mileage now allowed by law, be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to the Members of the House of Representatives of the United States, to be paid out of the Treasury of the United States, and the franking privilege allowed by law to Members of Congress. No person shall be eligible to election as Resident Commissioner who is not a bona fide elector of said islands and who does not owe allegiance to the United States and who is not more than thirty years of age and who does not read and write the English language. The present two Resident Commissioners shall hold office until the fourth of March, nineteen hundred and seventeen. In case of vacancy in the position of Resident Commissioner caused by resignation or otherwise, the Governor-General may make temporary appointments until the next meeting of the Philippine Legislature, which shall then fill such vacancy; but the Resident Commissioner thus elected shall hold office only for the unexpired portion of the term wherein the vacancy occurred.

SEC. 21. That the supreme executive power shall be vested in an executive officer, whose official title shall be "The Governor-General of the Philippine Islands." He shall be appointed by the President, by and with the advice

and consent of the Senate of the United States, and hold his office at the pleasure of the President and until his successor is chosen and qualified. The Governor-General shall reside in the Philippine Islands during his official incumbency, and maintain his office at the seat of government. He shall, unless otherwise herein provided, appoint, by and with the consent of the Philippine Senate, such officers as may now be appointed by the Governor-General, or such as he is authorized by this Act to appoint, or whom he may hereafter be authorized by law to appoint; but appointments made while the senate is not in session shall be effective either until disapproval or until the next adjournment of the senate. He shall have general supervision and control of all of the departments and bureaus of the government in the Philippine Islands as far as is not inconsistent with the provisions of this Act, and shall be commander in chief of all locally created armed forces and militia. He is hereby vested with the exclusive power to grant pardons and reprieves and remit fines and forfeitures, and may veto any legislation enacted as herein provided. He shall submit within ten days of the opening of each regular session of the Philippine Legislature a budget of receipts and expenditures, which shall be the basis of the annual appropriation bill. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Philippine Islands and of the United States operative within the Philippine Islands, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia or other locally created armed forces, to prevent or suppress lawless violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privileges of the writ of habeas corpus, or place the islands, or any part thereof, under martial law: *Provided,* That whenever the Governor-General shall exercise this authority, he shall at once notify the President of the United States thereof, together with the attending facts and circumstances, and the President shall have power to modify or vacate the action of the Governor-General. He shall annually and at such other times as he may be required make such official report of the transactions of the government of the Philippine Islands to an executive department of the United States to be designated by the President, and his said annual report shall be transmitted to the Congress of the United States; and he shall perform such additional duties and functions as may in pursuance of law be delegated or assigned to him by the President.

SEC. 22. That, except as provided otherwise in this Act, the executive departments of the Philippine government shall continue as now authorized by law until otherwise provided by the Philippine Legislature. When the Philippine Legislature herein provided shall convene and organize, the Philippine Commission, as such, shall cease and determine, and the members thereof shall vacate their offices as members of said commission: *Provided,* That the heads of executive departments shall continue to exercise their executive functions until the heads of departments provided by the Philippine Legislature pursuant to the provisions of this Act are appointed and qualified. The Philippine Legislature may thereafter by appropriate legislation increase the number or abolish any of the executive departments, or make such changes in the names and duties thereof as it may see fit, and shall provide for the appointment and removal of the heads of the executive departments by the Governor-General: *Provided,* That all executive functions of the government must be directly under the Governor-General or within one of the executive departments under the supervision and control of the Governor-General. There is hereby established a bureau, to be known as the Bureau of Non-Christian tribes, which said bureau shall be embraced in one of the executive departments to be designated by the Governor-General, and shall

have general supervision over the public affairs of the inhabitants of the territory represented in the legislature by appointive senators and representatives.

SEC. 23. That there shall be appointed by the President, by and with the advice and consent of the Senate of the United States, a vice-governor of the Philippine Islands, who shall have all of the powers of the Governor-General in the case of a vacancy or temporary removal, resignation, or disability of the Governor-General, or in case of his temporary absence; and the said vice-governor shall be the head of the executive department, known as the department of public instruction, which shall include the bureau of education and the bureau of health, and he may be assigned such other executive duties as the Governor-General may designate.

Other bureaus now included in the department of public instruction shall, until otherwise provided by the Philippine Legislature, be included in the department of the interior.

The President may designate the head of an executive department of the Philippine government to act as Governor-General in the case of a vacancy, the temporary removal, resignation, or disability of the Governor-General and the vice-governor, or their temporary absence, and the head of the department thus designated shall exercise all the powers and perform all the duties of the Governor-General during such vacancy, disability, or absence.

SEC. 24. That there shall be appointed by the President an auditor, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts from whatever source of the Philippine government and of the provincial and municipal governments of the Philippines, including trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government or the Provinces or municipalities thereof. He shall perform a like duty with respect to all government branches.

He shall keep the general accounts of the government and preserve the vouchers pertaining thereto.

It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant.

There shall be a deputy auditor appointed in the same manner as the auditor. The deputy auditor shall sign such official papers as the auditor may designate and perform such other duties as the auditor may prescribe, and in case of the death, resignation, sickness, or other absence of the auditor from his office, from any cause, the deputy auditor shall have charge of such office. In case of the absence from duty, from any cause, of both the auditor and the deputy auditor, the Governor-General may designate an assistant, who shall have charge of the office.

The administrative jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the Governor-General he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the method of accounting for public funds and property, and funds and property held in trust by the government or any of its branches: *Provided,* That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection.

The decisions of the auditor shall be final and conclusive upon the executive branches of the government, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as

hereinafter provided, have like authority as that conferred by law upon the several auditors of the United States and the Comptroller of the United States Treasury and is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer, or person having official relations with his office.

As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted the auditor shall submit to the Governor-General and the Secretary of War an annual report of the fiscal concerns of the government, showing the receipts and disbursements of the various departments and bureaus of the government and of the various Provinces and municipalities, and make such other reports as may be required of him by the Governor-General or the Secretary of War.

In the execution of their duties the auditor and the deputy auditor are authorized to summon witnesses, administer oaths, and to take evidence, and, in the pursuance of these provisions, may issue subpœnas and enforce the attendance of witnesses, as now provided by law.

The office of the auditor shall be under the general supervision of the Governor-General and shall consist of the auditor and deputy auditor and such necessary assistants as may be prescribed by law.

SEC. 25. That any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the Governor-General, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision.

If the Governor-General shall confirm the action of the auditor, he shall so indorse the appeal and transmit it to the auditor, and the action shall thereupon be final and conclusive. Should the Governor-General fail to sustain the action of the auditor, he shall forthwith transmit his grounds of disapproval to the Secretary of War, together with the appeal and the papers necessary to a proper understanding of the matter. The decision of the Secretary of War in such case shall be final and conclusive.

SEC. 26. That the supreme court and the courts of first instance of the Philippine Islands shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by law. The municipal courts of said islands shall possess and exercise jurisdiction as now provided by law, subject in all matters to such alteration and amendment as may be hereafter enacted by law; and the chief justice and associate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate of the United States. The judges of the courts of first instance shall be appointed by the Governor-General, by and with the advice and consent of the Philippine Senate: *Provided,* That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by Act of Congress. That in all cases pending under the operation of existing laws, both criminal and civil, the jurisdiction shall continue until final judgment and determination.

SEC. 27. That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the Supreme Court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, or in causes in which the value in controversy exceeds $25,000, or in which the title or possession of real estate exceeding in value the sum of $25,000, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ

of error by the party aggrieved within the same time, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the district courts of the United States.

SEC. 28. That the government of the Philippine Islands may grant franchises and rights, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of the island may grant the right to use and occupy such public property belonging to said Provinces or municipalities: *Provided,* That no private property shall be damaged or taken for any purpose under this section without just compensation, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise or right shall be granted to any individual, firm, or corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or right of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and rights under which they were granted or upon their revocation or repeal. That all franchises or rights granted under this Act shall forbid the issue of stock or bonds except in exchange for actual cash or for property at a fair valuation equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the Province or municipality within which such franchises are granted and exercised: *Provided further,* That it shall be unlawful for any corporation organized under this Act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons held in involuntary servitude; and any person, company, or corporation so violating the provisions of this Act shall forfeit all charters, grants, or franchises for doing business in said islands, in an action or proceeding brought for that purpose in any court of competent jurisdiction by any officer of the Philippine government, or on the complaint of any citizen of the Philippines, under such regulations and rules as the Philippine Legislature shall prescribe, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not more than $10,000.

SEC. 29. That, except as in this Act otherwise provided, the salaries of all officials of the Philippines not appointed by the President, including deputies, assistants, and other employés, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature; and if the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of the Philippines appointed as herein provided by the President shall also be paid out of the revenues of the Philippines. The annual salaries of the following named officials appointed by the President and so to be paid shall be: The Governor-General, $18,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of the Philippines, with the furniture and effects therein, free of rental; vice-governor, $10,000; chief justice

of the supreme court, $8,000; associate justices of the supreme court, $7,500 each; auditor, $6,000; deputy auditor, $3,000.

SEC. 30. That the provisions of the foregoing section shall not apply to provincial and municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the Provinces and municipalities, shall be paid out of the provincial and municipal revenues in such manner as the Philippine Legislature shall provide.

SEC. 31. That all laws or parts of laws applicable to the Philippines not in conflict with any of the provisions of this Act are hereby continued in force and effect.

Approved, August 29, 1916.

APPENDIX J[1]

THE COST OF THE ARMY IN THE PHILIPPINES

THE EXPENSES OF THE CIVIL GOVERNMENT ARE ALL PAID FROM THE PROCEEDS OF LOCAL TAXES

Statement of the increased amount of expenditures made on account of the Philippine Islands by War Department bureaus from United States appropriations over that amount which would have been expended if the Army had not been in the Philippines and an equal number of troops (exclusive of Philippine Scouts) had been maintained in the United States, showing the character of expenditures and, so far as practicable, the amounts by fiscal years, to which is added a further statement of the expenditures made by the Coast and Geodetic Survey and the direct appropriations made by the Congress of the United States for civil purposes on account of the Philippine Islands, covering the period from July 1, 1902, to June 30, 1914:

QUARTERMASTER CORPS (QUARTERMASTER SUPPLIES)

Quartermaster supplies, which include all expenses from the appropriations for regular supplies, incidental expenses, military-post exchanges, transportation of the Army (includes transport service and rail transportation of troops en route to and returning from the Philippine Islands), roads, walks, wharves and drainage, water and sewers at military posts, barracks, and quarters in the Philippine Islands, clothing and camp and garrison equipage, seacoast defenses in Hawaii and Philippine Islands, and bringing home remains of deceased officers and soldiers, etc.:

Fiscal year June 30:	
1903	$8,140,065.03
1904	5,159,444.46
1905	6,036,946.02
1906	6,251,851.41
1907	5,539,037.85
1908	4,901,869.43
1909	5,795,832.44
1910	6,203,885.35
1911	5,233,233.85
1912	5,106,035.50
1913	5,009,211.44
1914	4,897,317.21
Total	$68,274,729.99

SUBSISTENCE

June 30:	
1903	$1,436,040.53
1904	1,145,739.65
1905	840,819.81
1906	781,974.52
1907	800,220.33
1908	568,379.00
1909	590,771.01
1910	716,340.67
1911	597,832.66
1912	377,375.81
1913	395,311.25
1914	281,016.11
Total	$8,531,821.35

[1] Prepared by Brig. Gen. Frank McIntyre, chief of the Bureau of Insular Affairs, for the Senate Committee (1915).

PAY OF THE ARMY AND MILEAGE

This includes payment from these appropriations for foreign-service pay to officers and enlisted men, commutation of quarters, court-martial expenses, and mileage:

June 30:		June 30—Continued.	
1903	$958,390.55	1910	$981,650.68
1904	776,166.95	1911	911,286.75
1905	626,944.83	1912	994,635.73
1906	687,126.07	1913	745,301.01
1907	797,820.63	1914	873,260.91
1908	790,395.60		
1909	954,516.79	Total	$10,097,496.50

PHILIPPINE SCOUTS

This includes all expenditures on account of Philippine Scouts, for pay of officers and enlisted men, travel pay, interest on soldiers' deposits, clothing, and beneficiaries:

June 30:		June 30—Continued.	
1903	$633,172.52	1911	$1,206,737.24
1904	612,412.69	1912	1,117,191.89
1905	797,702.07	1913	1,042,776.97
1906	803,670.61	1914	1,110,172.52
1907	746,491.23	May 11, 1908, to June 30, 1914	*23,125.04
1908	911,019.09		
1909	1,044,323.04		
1910	1,110,852.28	Total	$11,159,647.19

MEDICAL DEPARTMENT

June 30:		June 30—Continued.	
1903	$18,563.51	1910	$27,904.61
1904	19,783.34	1911	41,833.40
1905	22,634.82	1912	33,917.85
1906	26,051.75	1913	21,469.92
1907	53,131.12	1914	25,489.41
1908	39,302.99		
1909	30,470.63	Total	$360,553.35

ENGINEER DEPARTMENT

July 1, 1902, to June 30, 1911	$4,648,249.06	June 30—Continued. 1914	$782,103.36
June 30:			
1912	1,027,113.60	Total	$7,574,946.84
1913	1,117,480.82		

ORDNANCE DEPARTMENT

For maintenance Manila Ordnance Depot, Philippine Scouts, armament of fortifications, seacoast ammunition, alteration and maintenance of seacoast artillery, and seacoast mines and appliances:

July 1, 1902, to June 30, 1914 (total) $7,174,170.25

* Beneficiaries.

SIGNAL SERVICE

For installation, maintenance, and operation of telephone, telegraph, and cable systems, fire-control installations, and maintenance of fire control:

June 30:		June 30—Continued.	
1903	$36,466.85	1910	$88,541.87
1904	23,099.44	1911	51,970.89
1905	23,000.00	1912	78,147.62
1906	27,768.11	1913	58,622.11
1907	30,843.51	1914	73,490.71
1908	21,901.83		
1909	24,153.41	Total	$538,006.35

Summary of Expenditures by the War Department

Quartermaster Corps	$98,063,695.03
Medical Department	360,553.35
Engineer Department	7,574,946.84
Ordnance Department	7,174,170.25
Signal Service	538,006.35
Total	$113,711,371.82

Coast and Geodetic Survey

June 30:		June 30—Continued.	
1903	$98,063.00	1910	$173,588.00
1904	98,909.00	1911	173,099.00
1905	140,843.00	1912	167,347.49
1906	178,310.00	1913	188,106.88
1907	172,454.00	1914	169,397.45
1908	197,130.00		
1909	190,132.00	Total	$1,947,379.82

Congressional Relief Fund

Act of Congress of March 3, 1903, for the relief of distress in the Philippine Islands, $3,000,000.

Act of Congress, March 3, 1903, appropriating funds for the tabulating and printing of the Philippine census, $351,925.50.

Grand total, $119,010,677.14.

Average expenditures by War Department bureaus per fiscal year, $9,475,947.65.

On account of the withdrawal of many of the troops the expenses are now much less than in 1914.

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